



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

March 12, 2004

Mr. Duff Wenz  
Chief Operating Officer  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203

### REQUEST FOR MEETING

Dear Mr. Wenz:

We have received your letters, dated February 2, 2004 and March 11, 2004, requesting a meeting to discuss the cooperative agreement provisions of Article 8.6 of Division 20 of the California Health and Safety Code. We have referred your letter to our Office of Legal Counsel. Our department (the Department of Toxic Substances Control) needs to coordinate with the California Environmental Protection Agency to arrange this meeting. Your patience and understanding in this matter has been greatly appreciated. We will notify you shortly of the time and place of the meeting.

Please direct any further correspondence regarding the meeting to Mr. Ramon Perez, DTSC Senior Staff Counsel, at:

Mr. Ramon Perez  
Senior Staff Counsel  
Department of Toxic Substances Control  
2878 Camino Del Rio South, Suite 402  
San Diego, CA 92108

Mr. Perez's telephone number is 858-637-5534. We look forward to working with you in the future.

Sincerely,

Alfred Wong  
Senior Hazardous Substances Engineer  
Standardized Permitting and Corrective Action Branch

cc: (See Next Page)

Mr. Duff Wenz  
March 12, 2004  
Page 2

cc: Mr. George Caamano  
Technical Director  
Remedy Environmental Services  
3200 East Frontera Street  
Anaheim, California 92806

Mr. Ramon Perez  
Senior Staff Counsel  
Department of Toxic Substances Control  
2878 Camino Del Rio South, Suite 402  
San Diego, CA 92108

Mr. Mohinder S. Sandhu, Chief  
Standardized Permitting and Corrective Action Branch  
700 Heinz Avenue, Suite 300  
Berkeley, California 94710



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

Edwin F. Lowry, Director  
2878 Camino del Rio South, Suite 402  
San Diego, California 92108



Arnold Schwarzenegger  
Governor

George Caamano  
Technical Director  
Remedy Environmental Services  
3200 E. Frontera Street  
Anaheim, CA 92806

January 14, 2004

Dear Mr. Caamano:

This is a follow-up to your communications with Mr. Alfred Wong, Senior Hazardous Substances Engineer, California Department of Toxic Substances Control. You state that several Indian tribes in California are soliciting recycling and waste recovery business by offering streamlined permitting processes, and that these tribes have already received approval from the Bureau of Indian Affairs and the United States Environmental Protection Agency to allow treatment, storage and disposal facilities on tribal property without going through the usual channels.

As we have discussed in the past, the Legislature of the State of California enacted Article 8.6 of Division 20 of the California Health and Safety Code specifically to regulate the development of hazardous waste management facilities on Indian country. That statute provides a process by which a tribe proposing to construct a hazardous waste facility can negotiate a cooperative agreement with the California Secretary for Environmental Protection to define the respective rights duties and obligations of the state and the tribe concerning the proposed facility. A cooperative agreement negotiated under the provisions of Article 8.6 must provide for regulation of the facility through regulatory provisions for the proper management of hazardous materials and hazardous waste that are functionally equivalent to Chapters 6.5, 6.6, 6.8 and 6.95 of the Health and Safety Code. In addition, the agreement must provide for compliance with provisions that are functionally equivalent to specified provisions of the Water Code, provisions in the Health and Safety Code relating to air standards, as well as all regulations adopted pursuant to the enumerated statutes.

You state that Article 8.6 is applicable only to RCRA facilities and that therefore DTSC has no jurisdiction over the project proposed by your company, which involves treatment of non-RCRA wastes. DTSC disagrees with this interpretation, since any proposed project must comply with standards that are functionally equivalent to those

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.*

enforced by DTSC. These standards apply to both RCRA and non-RCRA waste.

In order to start the required process, the tribe seeking to construct a TSDF on its land must, under section 25198.2 of the Health and Safety Code, send a written request to the California Secretary for Environmental Protection to convene negotiations to reach a cooperative agreement.

I hope that this information will be of help to you. Please call me if you have any questions or concerns.

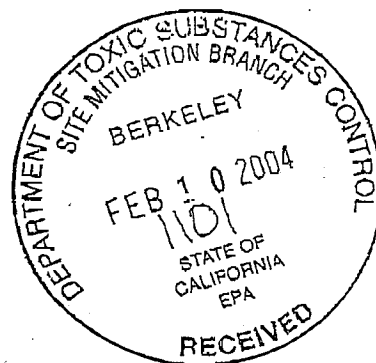
Sincerely,

Ramon B. Perez  
Senior Staff Counsel



February 9, 2004

Mr. Alfred Wong  
Department of Toxic Substances Control  
700 Heinz Avenue Suite 300  
Berkeley, CA 94710



Dear Mr. Wong:

This is in response to a letter from Ramon B. Perez to our potential tenant Remedy Environmental. The letter references an interpretation of Article 8.6 of Division 20 of the California Health and Safety Code.

In our telephone conversation, you and I agreed that it would be worthwhile for us to discuss exactly what your agency is referencing in the letter. This is a request for a date for a meeting to begin this discussion. We will be including our staff along with representatives from Remedy Environmental.

Please advise when we will be able to have this meeting.

Sincerely,

CABAZON BAND OF MISSION INDIANS

Duff Wenz  
Chief Operating Officer

DW:gm



84-245 INDIO SPRINGS PARKWAY • INDIO, CALIFORNIA 92203-3499 • (760) 342-2593 FAX (760) 347-7880



March 11, 2004

VIA FACSIMILE

Mr. Alfred Wong  
Department of Toxic Substances Control  
700 Heinz Avenue Suite 300  
Berkeley, CA 94710

Reference: Our letter dated February 9, 2004; Request to Meet

Dear Mr. Wong:

We are eager to receive your response to our previous request to meet with you and representatives from Remedy Environmental.

If you do not respond to this 2<sup>nd</sup> request, we will consider this matter closed.

Respectfully,

CABAZON BAND OF MISSION INDIANS

Duff Wenz  
Chief Operating Officer

DW:gm



84-245 INDIO SPRINGS PARKWAY • INDIO, CALIFORNIA 92203-3499 • (760) 342-2593 FAX (760) 347-7880

mailed orig / copy you + A 3-15-04



Terry Tamminen  
Agency Secretary  
Cal/EPA

## Department of Toxic Substances Control

Edwin F. Lowry, Director  
9174 Sky Park Court, Suite 150  
San Diego, California 92123



Arnold Schwarzenegger  
Governor

March 15, 2004

Duff Wenz  
Chief Operating Officer  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203-3499


Dear Mr. Wenz:

This is to follow up to our conversation of March 11, 2004. The Department of Toxic Substances Control and the California Environmental Protection Agency have received your request for a meeting to discuss the hazardous waste treatment facility proposed by Remedy Environmental.

The proposal by Remedy Environmental is the first since the California Legislature enacted the law related to the development of hazardous waste management facilities on Indian country, Health and Safety Code, sections 25198.1 et seq. Due to the precedent setting nature of the project, the department and the agency need to meet and consider the terms of the law before the meeting that you have requested. An internal meeting has been scheduled for March 23. We will contact you and the representatives of Remedy Environmental as soon as possible after the internal meeting.

We look forward to working with the Cabazon Band of Mission Indians, and with Remedy environmental.

Sincerely,

  
Ramon B. Perez  
Senior Staff Counsel

# Remedy Environmental Services

---

July 17, 2002

Ramon Perez, Senior Staff Counsel  
Department of Toxic Substance Control  
2878 Camino Del Rio South, Suite 402  
San Diego, California 92108  
619-278-3734  
619-278-3736

Ramon,

We recently had an opportunity to meet with the legal counsel for the Cabazon Indians. Our meeting was quite informative as we discussed many issues regarding the non-RCRA facility operating at the Cabazon Resource Recovery Park, located in Indio, CA. Among the issues raised was the applicability to the Health and Safety Codes sections 25198.1 through 25198.9 which specifically outline the State's responsibility in supervising "Hazardous Waste" facilities operating on Indian land.

We were instructed that these provisions were only applicable to RCRA facilities and were not applicable to non-RCRA sites. Specifically cited was section 25198.3(4) whereby the State is to "consider any applicable federal environmental and public health and safety laws." Although section 25198.3 (b)(1)(2)(3) refer to DTSC oversight regarding water, air and DTSC supervision of specific hazardous waste management practices, they seem only applicable if they are included under section 25198.4. Non-RCRA materials appear to be exempt.

Patrick Schoonover, Executive Director of Legal Affairs, further clarified that under definitions of "Secretary" it is by signed agreement that the Environmental Protection Agency has given enforcement power to the Secretary of the U.S. Department of the Interior as lead agency on Indian Land. Remedy must submit an environmental assessment and operations manual to Cabazon and forward to Bill Allen (916-978-6000), Director of Environmental Management, U.S. Dept. of Interior, 2500 Cottage Way, Sacramento, 95212. It is with approval from the Dept. of Interior that Remedy (Cabazon) will be given authority to operate a non-RCRA facility.

It is with great respect that we desire your participation in this endeavor. Although it appears that the DTSC has no direct jurisdiction, we do not feel this project is viable unless we can count on the Department's assistance. Please review the sections of Health and Safety Code cited, and inform us as to how the Department can cooperatively work with Remedy to build a safe and beneficial waste water recycling facility that we can all be proud of.

Respectfully,

  
George Caamano  
Technical Director

714  
240-1898



# REMEDY ENVIRONMENTAL SERVICES

November 7, 2003

Alfred Wong, Sr. Hazardous Substances Engineer  
Department of Toxic Substance Control  
700 Heinz Ave.  
Berkeley, CA  
510-540-3946  
510-540-3937

Alfred,

The purpose of this letter is to provide a brief outline for our meeting scheduled for November 13th at 10:30 am. Although we do not intend to walk away with all the answers we need, we hope that by providing this letter we may get off to a quicker start. The two items of discussion are: Standardized facility on Indian land and to discuss the permitting of our Anaheim facility as a non-RCRA TSDF under a standardized permit as well.

## Indian Land

Several Indian tribes in California are soliciting recycling and waste recovery businesses by offering streamlined permitting processes. These tribes have already received authority from the Bureau of Indian Affairs, Department of the Interior, EPA, etc, to allow TSDF on their property without going through usual channels. Correspondence between the Cabazon Indian attorney and Ramon Perez from your San Diego office have led us to pursue the Cabazon Indian lease for our TSDF. The law cited by both these men, 25198.1-25198.9 provides DTSC regulation over Indian property. It specifically calls out that the Department will have jurisdiction over "federal" waste. We wish to operate a non-RCRA facility. We consider the Cabazon Reservation akin to operating under Federal requirements and as such the non-RCRA materials are non-hazardous. We are told this removes the DTSC jurisdiction. Having stated this in our letter to Ramon, we also indicated that we only wanted to pursue this move with the departments cooperation. That is what prompts us to meet with you on Thursday. We wish to establish communication and understand record keeping requirements, possible taxes due, how the DTSC can audit our facility without giving up Indian sovereignty and to provide you with our operations plan and scope of business etc.

## Anaheim

We have been operating a non-hazardous wastewater reclamation facility in Anaheim for six years. Recently, we told the City we were applying for a standardized permit to operate a non-RCRA TSDF. We asked the City to provide a letter stating that no CUP issues would arise. A copy of the response was forwarded to Gunther Muskat and is attached. We need to know what our next step will be in order to begin the standardized permit process and how we can use a "pay as you go" or "for fee" system to expedite the permit.

Post-It <sup>TM</sup> brand fax transmittal memo 7671		# of pages	2
To	Ramon Perez	From	Alfred Wong
Co.		Co.	
Dept.		Phone #	510-540-3946
Fax #	619-277-3736	Fax #	510-540-3937

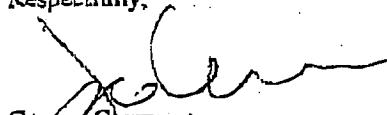
Nov NOV. 14. 2003, 11:07AM

George Caamano

909-697-624 NO. 7932 P. 2/2.2

We look forward to our meeting and can provide any other documentation prior to our appointment if needed. Thanks again for hearing us out.

Respectfully,



George Caamano  
Technical Director

3/1/04

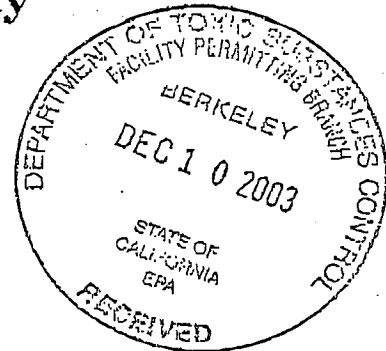
3/1/04



# Remedy Environmental Services

## A resource recovery facility

November 26, 2003



Alfred Wong  
Senior Hazardous Materials Specialist  
Department of Toxic Substances Control  
Standardized permits and Corrective Action Branch  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710

Re: DTSC position for Cooperative Agreement on Indian Land

Mr. Wong,

Remedy Environmental Services has been working closely with the Cabazon Band of Mission Indians (CBMI) to develop a Non-RCRA hazardous waste water reclamation facility on their tribal land. This facility will be operated to receive water, have it treated and then provide the water to a variety of consumers as treated, filtered non-hazardous water for reclamation. It is the CBMI opinion, as well as ours, that a facility of this type would be exempt from standardized permitting or would necessitate a "cooperative agreement."

The opinion, as understood by Remedy, is based in part by citing section 25198.3(b)(4) of the Health and Safety Code. This section specifically says, "In making these determinations, the state agencies shall consider any applicable federal environmental and public health and safety laws". Non-RCRA waste, we believe is non-hazardous federally and therefore the standardized permit should not apply. We are in agreement that a facility of this type would be regulated by State air resources, regional water and other agencies as needed to protect public health and safety laws. Our contention is that neither the cooperative agreement nor the standardized permits are applicable.

As a point of information, I believe the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM) that is under the authority of the Environmental Protection Agency (EPA), will review a permit issued by the CBMI. This ensures that NEPA documents are filed and reviewed and the facility operations plans have been approved to protect public health and safety.

Alfred, please take a look at the cooperative agreement sections of regulatory law, specifically, 25198.3 (b)(4) and rule on the issue. Please understand that our intention is to provide an alternative to hazardous waste facilities that treat and discharge. Our goal is to reclaim every drop of water processed by Remedy Cabazon in a safe and responsible manner.

Respectfully,

George Caamano, REA  
Technical Director

3200 E. Frontera Street, Anaheim, CA 92806  
Main Office: (714) 630-2307 Main Fax: (714) 630-3958 Technical: (805) 239-1397  
www.remedyenvironmental.com EPA# CAL000200500





Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

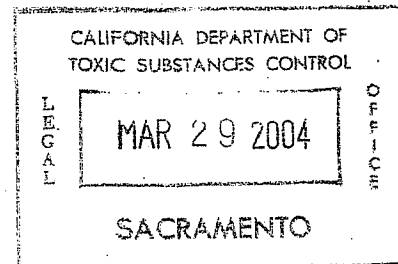
Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

March 25, 2004

Mr. Duff Wenz  
Chief Operating Officer  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203



### REQUEST FOR MEETING

Dear Mr. Wenz:

We have received your letters, dated February 2, 2004 and March 11, 2004, requesting a meeting to discuss the cooperative agreement provisions of Article 8.6 of Division 20 of the California Health and Safety Code. As we discussed in our telephone conversations, the California Environmental Protection Agency (Cal/EPA) would also need to be involved in this meeting. On March 23, 2004, our Director, Edwin Director, met with representatives from Cal/EPA Secretary Terry Tamminen's office to discuss this matter.

At this time, we would like to invite you to a meeting to discuss the cooperative agreement provisions as requested in your letters. We are proposing to hold the meeting at the Department of Toxic Substances Control (DTSC) office in San Diego on April 21, 2004 at 10:30 am. DTSC's San Diego office is located at 9174 Sky Park Court, Suite 150 in San Diego. Please contact me at 510-540-3946 or [awong@dtsc.ca.gov](mailto:awong@dtsc.ca.gov) to confirm your availability for this meeting. If I do not hear from you by April 7, 2004, I will contact you to follow up on this matter.

Representatives from the Cal/EPA, DTSC's Office of Legal Counsel, and DTSC's Standardized Permitting and Corrective Action Branch would be at this meeting to discuss the cooperative agreement and answer any questions you may have.

Department of Toxic Substances Control  
700 Heinz Avenue, Suite 300  
Berkeley, California 94710

Mr. Richard Sherwood, Esq.  
Assistant Chief Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

April 1, 2004

Mr. Duff Wenz  
Chief Operating Officer  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203

### TRANSMITTAL OF REVISED LETTER OF REQUEST FOR MEETING

Dear Mr. Wenz:

On March 25, 2004, I sent a letter inviting you to a meeting on April 21, 2004 with the California Environmental Protection Agency and the Department of Toxic Substances Control to discuss the cooperative agreement provisions of Article 8.6 of Division 20 of the California Health and Safety Code. I noticed that there was a typographical error in the letter and am enclosing a corrected version. I apologize for any inconvenience this may have caused.

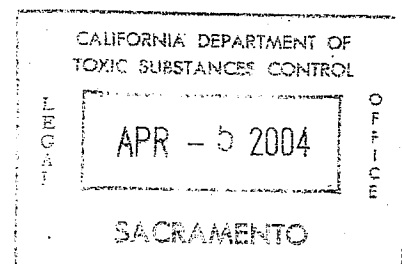
As I mentioned in the March 25, 2004 letter, Ramon Perez will be on vacation this week. If you have any questions regarding the meeting, please contact me at 510-540-3946.

Sincerely,

Alfred Wong  
Senior Hazardous Substances Engineer  
Standardized Permitting and Corrective Action Branch

Enclosure

cc: Mr. George Caamano  
Technical Director  
Remedy Environmental Services  
3200 East Frontera Street  
Anaheim, California 92806





Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

April 1, 2004

Mr. Duff Wenz  
Chief Operating Officer  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203

### REQUEST FOR MEETING

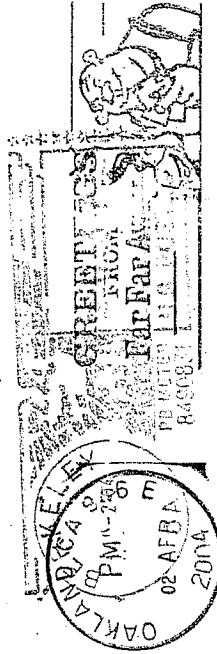
Dear Mr. Wenz:

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At this time, we would like to invite you to a meeting to discuss the cooperative agreement provisions as requested in your letters. We are proposing to hold the meeting at the Department of Toxic Substances Control (DTSC) office in San Diego on April 21, 2004 at 10:30 am. DTSC's San Diego office is located at 9174 Sky Park Court, Suite 150 in San Diego. Please contact me at 510-540-3946 or [awong@dtsc.ca.gov](mailto:awong@dtsc.ca.gov) to confirm your availability for this meeting. If I do not hear from you by April 7, 2004, I will contact you to follow up on this matter.

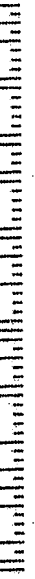
Representatives from the Cal/EPA, DTSC's Office of Legal Counsel, and DTSC's Standardized Permitting and Corrective Action Branch would be at this meeting to discuss the cooperative agreement and answer any questions you may have.

Department of Toxic Substances Control  
700 Heinz Avenue, Suite 300  
Berkeley, California 94710



Mr. Richard Sherwood, Esq.  
Assistant Chief Counsel  
Office of Legal Counsel  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

33212+0806 07







STATE OF CALIFORNIA  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
9174 SKY PARK COURT, SUITE 150  
SAN DIEGO, CALIFORNIA 92123  
PHONE NUMBER: (858) 637-5531  
FAX NUMBER: (858) 637-5550

## FACSIMILE TRANSMITTAL SHEET

TO: *R. Sherwood*

FAX NUMBER:

FROM: *R. Perez*

CONTACT NUMBER:

DATE: *12/22/2004*RE: *Letter to Cabazon, Letter of 4-14-04 from WEI re  
treatment of Non-RCRA lead - Cont. Soil*TOTAL NUMBER OF PAGES  
INCLUDING COVER: *5*☐ CONFIDENTIAL☐ URGENT☒ INFORMATION☐ PER YOUR REQUEST☐ PLEASE COMMENT☐ FOR REVIEW☐ ORIGINAL TO FOLLOW

NOTES/COMMENTS:



Alan C. Lloyd, Ph.D.  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

9174 Sky Park Court, Suite 150  
San Diego, California 92123-4340



Arnold Schwarzenegger  
Governor

December 21, 2004

Mr. Patrick Schoonover  
Executive Director of Legal Affairs  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203-3499

Dear Mr. Schoonover:

As you know, the Department of Toxic Substances Control (DTSC), on behalf of the California Environmental Protection Agency (Cal/EPA), is working with the Cabazon Band of Mission Indians toward the objective of negotiating a compact to provide for the establishment, operation and regulation of an aqueous waste treatment facility on the Cabazon reservation. The facility, which will be operated by Remedy Environmental, Inc., will be designed to treat Non-RCRA hazardous waste that is regulated as hazardous waste by the State of California but not by the federal government.

The compact is being negotiated under the provisions of Article 8.6, Chapter 6.5, Division 20 of the Health and Safety Code, entitled "Development of Hazardous Waste Management Facilities On Indian Country." Section 25198.3(e) of that article provides as follows:

"Any cooperative agreement executed pursuant to this Article shall provide for regulation of the hazardous waste facility through inclusion in the agreement of design, permitting, construction, siting, operation, monitoring, inspection, closure, post-closure, liability, enforcement, and other regulatory provisions applicable to a hazardous waste facility, or which relate to any environmental consequences that may be caused by facility construction and operation, that are functionally equivalent to all of the following:

- (1) Article 4 (Commencing with Section 13260) of Chapter 4 of, Chapter 5 (commencing with Section 13300) of, and Chapter 5.5 (Commencing with section 13370) of, and Division 7 of the Water Code.

Mr. Patrick Schoonover  
December 21, 2004  
Page 2

(2) Chapter 3 (commencing with Section 41700) of, Chapter 4 (commencing with Section 42300) of, and Chapter 5 (commencing with Section 42700 of, and Part 6 (commencing with Section 44300) of, Division 26.

(3) This Chapter, Chapter 6.6 Commencing with Section 25249.5), Chapter 6.8 (commencing with Section 25300), and Chapter 6.95 (commencing with Section 25500).

(4) All regulations adopted pursuant to the statutes specified in this section.

(5) Any other provision of state environmental, public health, and safety laws and regulations germane to the hazardous waste facility proposed by the tribe."

In considering whether Cabazon's regulatory provisions are functionally equivalent to the California provisions cited above, I reviewed the Cabazon Environmental Department Solid Waste Regulations, which you submitted recently. As a preliminary issue, these regulations do not appear to include any indication that they were adopted by the Tribe. If these regulations have been finalized and approved by Cabazon and/or any federal agency, please submit proof that the regulations were adopted and are in effect, and identify the tribal and/or federal regulatory agency that approved the regulations.

The regulatory scope of Cabazon's regulations, which define "Hazardous Solid Waste" as "any solid waste defined as hazardous waste by the Environmental Protection Agency (EPA) under provisions of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended", do not appear to include non-RCRA hazardous waste that is regulated in California. The scope of Cabazon's regulations also appears to be more limited than the California provisions identified in Health & Safety Code section 25198.3(e). Accordingly, please submit an explanation of how the Tribe intends to regulate non-RCRA hazardous waste and provide me any other regulatory standards or provisions supporting the Tribe's position that its regulatory scheme is functionally equivalent to the standards and provisions identified in section 25198.3(e).

Mr. Patrick Schoonover  
December 21, 2004  
Page 3

Please submit the material listed above as soon as possible. Please note that DTSC cannot go forward with the development of the draft compact without this material.

Sincerely,



Ramon B. Perez  
Senior Staff Counsel  
Office of Legal Counsel and Investigations

cc: Mr. William Anderson  
Cabazon Environmental Department  
84-245 Indio Springs Parkway  
Indio, California 92203-3499

Ms. Tam Doduc  
Deputy Secretary for Environmental Quality  
California Environmental Protection Agency  
1001 I Street  
P.O. Box 2815  
Sacramento, California 95812-281



Date: 4-14-04

Cabazon Band of Mission Indians  
Bill Anderson  
84-245 Indio Springs Pkwy.  
Indio, CA. 92203-3499

Dear Mr. Anderson

This letter is in reference to our conversation we had on 4-8-04 on the problems we have had on securing contracts to recycle non-RCRA contaminated soil, due to the opposition from the DTSC here in southern California.

As we discussed on the 8th I told you that it appears we will not be able to secure a contract with Riverside County School District. I feel that jointly Western Environmental Inc. (WEI) and Cabazon Band of Mission Indians (CBMI) have created a very comprehensive work plan to dispose and recycle approximately 22,000 tons of non-RCRA lead contaminated soil. As you are aware, our work plan would treat the soil to non-detect and WEI would issue a certificate of treatment, then use the treated soil as road base for the road the CBMI is building to the newly developed fire restraint pond, which would save the CBMI money on road base material and give the school district a safe method of recycling their contaminated soil.

The DTSC has blocked this work plan and has mandated that the material be taken to a class I, II or class III land fill, this goes against the push in California to recycle.

Bill we are begging you for help. To make our company or any other company function in the Resource Recovery Park operated by the CBMI, we need to be able to bid and win jobs and not face regulatory opposition, if you or the CBMI can do anything to help WEI it would be greatly appreciated.

This will be the 3<sup>rd</sup> large project that we bid, won and lost, due to regulatory opposition.

The other 2 jobs were 20,000 tons of non-RCRA lead contaminated soil in the Port of Los Angeles the other project was 20,000 tons of non-RCRA pesticide soil from a development in Riverside.

Bill I hope that CBMI can help us get some resolution to this problems, it will only help WEI, CBMI and our customers.

Sincerely;

William Carr  
Western Environmental Inc.

**From:** "george caamano" <gcaamano1@msn.com>  
**To:** <rperez@dtsc.ca.gov>  
**Date:** 1/17/2005 12:01:57 PM  
**Subject:** FW: RE: update on DTSc

Ramon, please call me regarding this e-mail. I asked him for a simple update and got this. I have a lot invested in this project and want to devote all my attention to its success. Please let me know what I can do.

From: "Anderson, Bill" <banderson@cabazonindians-nsn.gov>  
To: "george caamano" <gcaamano1@msn.com>  
Subject: RE: update on DTSc  
Date: Mon, 17 Jan 2005 09:30:53 -0800

There is nothing going on. DTSC is trying to talk the EPA into letting them have jurisdiction over the Tribes. There has been no written agreement to review. CalEPA, DTSC and USEPA are having a meeting on Jan 24, regarding this issue, we were refused attendance. This has been lip service by Ramon and Tamminen. Now we have a new Sec., do we have to start over? I would like to see where his commitment lays. Also never a call from Tam. On the brighter side we have worked out an arrangement with SCAQMD.

-----Original Message-----

From: george caamano [mailto:gcaamano1@msn.com]  
Sent: Monday, January 17, 2005 9:02 AM  
To: Anderson, Bill  
Subject: update on DTSc

Hi Bill, can you give me an update on any progress made? On the 26th the CWA is having a meeting in San Diego and I understand Ramon may be there. It'd be nice to see him and to try to lobby for our cause.

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On the road to retirement? Check out MSN Life Events for advice on how to get there! <http://lifeevents.msn.com/category.aspx?cid=Retirement>

---

On the road to retirement? Check out MSN Life Events for advice on how to get there! <http://lifeevents.msn.com/category.aspx?cid=Retirement>



CABAZON BAND OF MISSION INDIANS  
ENVIRONMENTAL DEPARTMENT

84-245 Indio Springs Parkway Indio, CA 92203-3499 (760) 342-2593

**PERMIT TO OPERATE**

**A SOLID WASTE HANDLING AND REMEDIATION FACILITY**

The Cabazon Band of Mission Indians ("CBMI") Environmental Department hereby grants Western Environmental Inc. ("WEI") a Permit to Operate ("PTO") a waste handling facility ("Facility") to carry out remediation of solid, semi-solid and liquid wastes not covered under the Resource Conservation and Recovery Act ("Non-RCRA Waste") at 62-150 Gene Welmas Drive, Mecca, California 92254, on Section 6 of the Cabazon Reservation, in the Cabazon Resource Recovery Park.

This PTO is granted in accordance with Business Lease No. 500543-05-55, Tribal Tract No. 568-T1001, as approved by the US Department of the Interior Bureau of Indian Affairs on July 27, 2005 ("Business Lease").

This PTO imposes the conditions enumerated here within on behalf of CBMI acting as the Lead Agency ("LA"), 84-245 Indio Springs Parkway-Indio, CA. 92203 (760) 342-2593 Fax (760) 347-7880.

**A. General**

**A1. The Facility shall consist of and include:**

Mobile, semi-mobile and stationary equipment, meeting all applicable emission standards, necessary to the storage, handling and processing of contaminated and non-contaminated materials; and

Lined treatment cells.

**A2. The Facility shall accept Non-RCRA Waste at a volume not greater than 41,666 tons per month with a maximum of 500,000 tons per year. Schedule 3 is a plot plan showing the property lines and the locations of stockpiles, quantities, heights of stockpiles, and the type of the material to be stockpiled.**

**A3. The Facility shall not accept deliveries by more than 110 trucks in any one day. No truck deliveries of materials shall be accepted during periods of heavy rainfall at or near the Facility.**

A4. All incoming materials shall be subject to the information requirements, and testing and profiling as specified in the facilities final operations plan ("FOP"). The Facility is authorized to accept Non-RCRA Waste (as defined by the CBMI and California Integrated Waste Management Board) and other solid wastes authorized for treatment as set forth in Schedule 1 at a contaminated materials processing facility, provided such solid waste is deemed to be non-hazardous per CBMI, state<sup>1</sup> and federal regulation and such waste is amenable to thermal desorption or other approved treatment process, within the limits of applicable air regulations for the Facility.

A5. The Facility shall not accept, handle or process:

Materials contaminated with poly-chlorinated bi-phenyls, halogens, dioxins, that are classified as "hazardous waste" as that term is defined in the Resource Conservation and Recovery Act ("RCRA") and as described in 40 CFR and the regulations pertaining thereto; or

Materials contaminated with radioactive wastes.

A6. The use of treatment cells located on the Facility site shall be in accordance with Paragraph 4 of the Business Lease.

A7. The Facility shall be operated in compliance with all terms of the Business Lease.

A8. The Facility shall be operated in compliance with all terms of the FOP prepared by WEI and approved by CBMI. The FOP shall be amended as needed to ensure safe handling and treatment of wastes received under Provision A4.

A9. WEI may make Process Changes without requiring revisions or amendments to this permit as long as the Process Change does not result in exceeding any emission limitation and equipment changes may be performed provided the Process Change does not cause the Facility to become subject to any requirements not covered in this permit or Business Lease. Written notification shall be made to CBMI of each Process Change within 15 days after making the change. Such notification shall include:

- 1) A description of the change;
- 2) The date on which the change occurred;
- 3) Modified operating procedures for the Process Change; and
- 4) Documentation of compliance with all applicable emission limitations.

Any Process Change made pursuant to this permit condition that is later determined to either not qualify as a Process Change or violates any applicable

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<sup>1</sup>Any state regulated waste which exceeds the applicable California STLC limit shall be tested via SW8 1311 (TCLP) to ensure that the material received at the Facility is not a hazardous waste per 40 CFR 261.



requirement or permit condition shall be considered a violation of this permit. Process changes approved in writing by the CBMI shall be deemed an amendment to this PTO.

- A10. Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Business Lease.
- A11. This Agreement is effective when all parties have executed it. The term of this Agreement shall run for a period of three (3) years from the effective date.
- A12. WEI agrees to provide a process to minimize fire starts and spread; assess fire risk and hazards; establish a fire response notification process; communicate existing WEI procedures and programs; and establish new guidelines to effectively manage fire suppression. WEI acknowledges the Fire Suppression Plan attached hereto as Schedule 2 is a work in progress and will continue to evolve.
- A13. WEI agrees to provide to CBMI on a monthly basis a mass balance sheet substantially in the form attached hereto as Schedule 4.

**B. Dust Control**

- B1. Dust control measures shall be used during transportation, unloading, movement, and handling of inbound and remediated materials to minimize the release of PM-10 into the air, and to prevent the dispersion of visible dust beyond the Facility boundaries.
- B2. The dust control measures shall include the sprinkling or otherwise wetting of the materials as necessary to comply with condition B1 of this PTO. Any material pile at the WEI Facility stored on site and unworked for 10 days or more shall be treated with a chemical stabilizing agent or covered to reduce PM-10 emissions.
- B3. Trucks transporting materials shall be enclosed, or covered with a tarpaulin, plastic sheeting, or equivalent to prevent dust/ PM-10 emissions during transport.
- B4. The baghouse or equivalent supporting the rotary dryer shall be maintained in good operating condition, with any tears, rips, burn-holes, or other material failures repaired within the minimum feasible time. If during Facility operation, or if due to any failure of the bag material or other aspect of the bag house, visible emissions are discharged for a period or periods aggregating more than three minutes in any one-hour which are:

as dark or darker in shade as that designated No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described as in the above subparagraph;

then the Facility shall cease operation of the rotary dryer until such time as the Facility operation is adjusted and/or the baghouse or bags are repaired, and the visible emissions cease.

- B5. The Facility shall employ such other dust control measures as necessary to comply with condition B1 of this PTO. These other measures may include, but are not limited to, erection of wind-blocking barriers, spraying of deliquescent material on the surface of the materials, and/or cessation of operations during windy conditions.

### **C. Specific Conditions**

- C1. The emissions of lead compounds as elemental lead from thermal treatment shall not exceed 0.4 pounds per day per unit. In addition, total metals concentrations for lead and other regulated metals shall not exceed the applicable Total Threshold Limit Concentration and Soluble Threshold Limit Concentration characterization under California State regulations as outlined in Title 26 of the California Code of Regulations.
- C2. Adequate dust control shall be used during grubbing, soil farming, and transportation activities to control the production and release of PM-10 into the atmosphere.
- C3. Within the composting cells water sprays and or irrigation shall be used to provide supplemental moisture whenever the moisture content of the contaminated materials is less than 4%.
- C4. A Low Temperature Thermal Desorption unit ("LTDD") or any other thermal processing unit shall either be permitted by South Coast Air Quality Management District ("SCAQMD") or meet the functional equivalent of SCAQMD standards for operation maintenance and pollution control. CBMI shall be furnished with a written evidence of compliance within 15 days following the commencement of the operation of the equipment. Allowable fuels for thermal processing equipment shall be natural gas, propane and other fuels (gaseous/liquid/solid) as may be combusted in compliance with applicable air permit limits. A change of fuel shall be considered a Process Change per A9 of this PTO.
- C5. Records shall be adequately maintained to prove compliance with all of the above conditions as well as those identified in the FOP for the Facility. All records shall

be maintained for at least 3 years and made available to CBMI upon request.

- C6. No emission, process or material shall cause injury, detriment, nuisance, annoyance or endanger the comfort, repose, health or safety of any persons (employees or persons in the Mecca Community) or have a natural tendency to cause injury or damage to business or property.
- C7. All materials to be processed shall be certified and manifested by the generator as Non-RCRA Waste/non hazardous and meet the profile requirements set forth in the FOP.
- C8. Prior to profiling and acceptance at the Facility the CBMI shall approve any media and/or contaminant other than those approved for processing in the facilities FOP by generation of a written variance.
- C9. Incoming materials shall be adequately profiled to prevent acceptance of RCRA hazardous wastes or those materials outside the permit limits.
- C10. The Facility will be regularly inspected to verify that the construction and the equipment has been installed and tested in accordance with the approved plans, specifications and conditions herein to ensure that the equipment and the Facility can and is being operated under the provisions of this permit, the Business Lease agreement and FOP. If the Facility is found to be out of compliance with any of the above provisions, the CBMI shall issue a correction notice requiring correction within 15 days. Should compliance with the correction notice not be cured within 15 days a stop notice to suspend all operations in 30 days will be served. Once operations have been stopped, the CBMI shall require full re-inspection and written approval for permit to operate status prior to commencement of operations. In the event that any hazardous materials not otherwise profiled and accepted per the conditions of the FOP or prior approval by CBMI for the Facility are found on site, the operations permit shall be immediately revoked pending all necessary surveys and clean up to restore the Facility to within permit guidelines.
- C11. Nothing contained in this document shall be construed as a waiver or limitation of the sovereign immunity of the CBMI.
- C12. Nothing contained herein shall be construed as a waiver of immunity or trust of restricted property from mechanics' or material-men's liens nor obligate the US Secretary of the Interior or CBMI to post non-responsibility notices while the demised land are in a trust or restricted status.

- C13. No approval or opinion concerning safety and other factors on design, construction or operation of the equipment is expressed or implied by CBMI. The permit holder and operator is responsible for compiling with all laws, ordinances and regulations of any other governmental agencies which may pertain to the above Facility including those enforced by the CBMI as the LA.
- C14. Non-hazardous biosolids, the dewatered residual of wastewater treatment, may be added to thermally treated material as it exits the LTDD, loaded directly into a rotary kiln or composted as soil amendment. Confirmation samples will be taken to verify that all Federal requirements are met.

Approved by CBMI  
Business Committee

By: David K. Smith

Date: September 17, 2009

Accepted and Approved by  
Western Environmental Inc.

By: [Signature]

Date: 9-22-09

Schedule 1

Non-RCRA Waste and Solid Wastes Authorized for Treatment

Carbon Based Impacted Solids/Liquids

Petroleum Impacted  
Volatile organic compounds  
Bio-solids/sewer sludge  
Drilling mud  
Non-Haz and non-RCRA liquid  
Soaps/surfactants  
Filter cake  
Micro-organisms  
Coal, coal fines, tars, coal tar residues  
Vegetable/animal oils  
Food waste  
Spent carbon  
Used motor oils  
Cosmetic waste  
Oil filter media  
Tank bottom sludge  
Fertilizer

Metal Based Impacted Solids/Liquids

Non-Haz and non-RCRA impacted

Chemical Based Impacted Solids/Liquids

Non-RCRA pesticide impacted  
Fertilizer  
Non-RCRA PCB Impacted  
Spent resins  
Cement  
Ash  
Grout  
Non-Haz non-RCRA impacted

Used Oil Recycling Facility Registration Form

To qualify to receive used oil that is eligible for the California recycling incentive this Registration Form must be completed, signed and returned to the Department of Resources, Recycling and Recovery (DRRR), formerly the California Integrated Waste Management Board, for review and approval. Please print.

EPA ID CAR000157206

Name of Facility Western Environmental LLC

Name of Company (if different from name of Facility)

Company Mailing Address P.O. Box 248 Mecca, CA. 92254

Facility Mailing Address (if different from Company Address) 62150 Gene Welmas Dr. Mecca, CA. 92254

Facility Contact Person and Title Matthew Mullen Compliance and Quality Control Manager

Phone Number of Contact Person 760-396-0222 e-mail of Contact Person mattm@wei-mecca.com

Enforcement Agency responsible for enforcing Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations, US EPA Region 9

Enforcement Agency Contact Person and Phone Number Nancy Sockabasin (415) -972-3772

Registration requires that the following conditions are met:

1. This Facility is operating within substantial compliance with Part 279 (commencing with Section 279.1) of Title 40 of the Code of Federal Regulations (Part 279). "Substantial compliance" means that the Facility meets the essential requirements of Part 279.
2. This Facility will provide the California Department of Toxic Substance Control and/or the DRRR, upon request, with a copy of any inspection report and/or any related documents issued for this Facility by the Enforcement Agency identified above.
3. If approved for Registration, this Facility will issue to the DRRR quarterly Reports identifying the amount of California used oil received and the resultant amount of recycled oil produced.
4. The laws of the State of California shall govern all proceedings concerning the validity and operation of this Registration Form and the performance of the obligations imposed hereunder. All proceedings concerning the validity and operation of this Registration Form shall be held in Sacramento County, California. The parties hereby waive any right to any other venue.
5. In the event any of the above conditions are no longer true/correct, this Facility will immediately notify the DRRR.
6. The individual signing this Registration Form has the authority to make this declaration and to contractually bind this Facility.

I declare, under penalty of perjury, that to the best of my knowledge and belief, the above statements are true and correct.

Signature \_\_\_\_\_

Print Name William Carr

Title Managing Member

Address 62150 Gene Welmas Dr. Mecca, CA. 92254

Date August 18<sup>th</sup> 2010

In the event you have any questions regarding this Form, please contact Emily Wang at (916) 322-2888, or e-mail [UsedOilHHW@ciwmb.ca.gov](mailto:UsedOilHHW@ciwmb.ca.gov)

**From:** Larry Moothart <Larry@belshire.com>  
**To:** "'VMurai@dtsc.ca.gov'" <VMurai@dtsc.ca.gov>  
**Date:** 1/25/2011 5:13 PM  
**Subject:** RE: Mecca school meeting to discuss illnesses and odor complaints  
**Attachments:** \_\_www.mydesert.com\_article\_20110125\_NEWS01\_110125017\_Communi.pdf

This one mentions WEI

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**From:** Larry Moothart  
**Sent:** Tuesday, January 25, 2011 3:48 PM  
**To:** 'VMurai@dtsc.ca.gov'  
**Subject:** FW: Mecca school meeting to discuss illnesses and odor complaints

This is the school that had odor complaints and illnesses that the AQMD traced back to Western Environmental Inc. disposal facility located on the Cabazon Indian Reservation in Mecca, CA. The EPA will be assisting the community with this issue.

Thank you,

Larry Moothart  
Manager  
Belshire Environmental Services, Inc.  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610

949-460-5200  
949-460-5210 (fax)

[larry@belshire.com](mailto:larry@belshire.com)<<mailto:larry@belshire.com>>  
[www.belshire.com](http://www.belshire.com)<<http://www.belshire.com>>



*Linda S. Adams*  
Acting Secretary for  
Environmental Protection

## Department of Toxic Substances Control

Leonard E. Robinson  
Acting Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



*Edmund G. Brown Jr.*  
Governor

April 13, 2011

The Honorable David Roosevelt, Chairman  
Cabazon Band of Mission Indians  
84-245 Indio Springs Parkway  
Indio, California 92203-3499

WESTERN ENVIRONMENTAL, INC.

Dear Chairman Roosevelt:

Thank you very much for taking the time to participate on the Friday, April 8, 2011 conference call with myself, California Environmental Protection Agency (Cal/EPA) Deputy Secretary, Mr. Ricardo Martinez and our staff.

It was stated during the conference call that the Department of Toxic Substances Control (DTSC) has determined that the Western Environmental, Inc. (WEI) facility located on tribal land near Mecca in Riverside County does not have a valid hazardous waste permit to operate in the State of California. Because the facility accepts non-RCRA hazardous waste, under California law it must either:

1. Obtain a permit from DTSC, or
2. Obtain a permit from the Cabazon Band of Mission Indians after the tribe has entered into a cooperative agreement with the Secretary of Cal/EPA (Health and Safety Code **Sections 25198.1-25198.9**).

Our records indicate that WEI does not possess a valid state permit to accept non-RCRA (California-only) hazardous waste and that no cooperative agreement exists between the Secretary of Cal/EPA and the Cabazon Band of Mission Indians.



The Honorable David Roosevelt, Chairman  
April 13, 2011  
Page 3

bcc: Patty Zwarts, Cal/EPA  
Patrick Sullivan, Cal/EPA  
Odette Madriago, DTSC  
Elizabeth Yelland, DTSC  
Sue Laney, DTSC  
Jim Marxen, DTSC  
Rick Brausch, DTSC  
Stewart Black, DTSC  
Richard Sherwood, DTSC ✓

FYI  
(from July 2)

## Cal/EPA Correspondence Action Request

COMPLETED

CalEPA: 20040708-0001		GovernorsOffice:	AssignmentID: 5066
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Author: ANDERSON, WILLIAM		
Subject: CABAZON BAND OF MISSION INDIAN LAND WASTE TREATMENT FACILITY PROPOSAL		
Corr. Date: 6/20/2004	Received: 7/7/2004	Completed: 7/13/2004

Form of Original: By Letter	Reply direct: Yes	CC:
For Signature Of: TAM DODUC	Attachments:	BCC: LISA BROWN; MAUREEN GORSEN
Reply by: Mail	Not controlled:	Coordinate with:
Reply format: Letter	Urgent:	

Background:
Notes for EA:
Instructions: TAM DODUC TO REPLY DIRECT

## Assignments

Due date	Org.	Person	Assigned by	Assgn date	Action	Critical	Done
7/22/2004		Doduc, Tam	Bryson, Shinita	7/8/2004	Delegated		

## Attachments

Place Type	Description	Place, Location, File or Program
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## Notes

Date	By	Note
------	----	------

7/12 response on S drive as "5066 Anderson.doc"  
 please finalize for my signature. Thanks!  
 & make me a copy of the incoming letter

7/12/04 finalized and sent out



Terry Tamminen  
Agency Secretary

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

July 12, 2004

Mr. William Anderson  
Cabazon Environmental Department  
84-245 Indio Springs Parkway  
Indio, California 92203-3499

Dear Mr. Anderson:

This is in response to your letter of June 20, 2004, to Secretary Tamminen regarding a proposed hazardous waste facility on the reservation trust land of the Cabazon Band of Mission Indians. The Secretary has asked me to respond on his behalf and serve as his representative regarding the matters under the California Health and Safety Code Section 25198.1 et seq.

I understand that you have been working closely with Mr. Ramon Perez of the Department of Toxic Substances Control. I have asked Mr. Perez to schedule a mutually convenient time for us to discuss next steps in convening negotiations on the cooperative agreement; he should be in touch shortly with you to arrange this conference call.

Thank you for your interest in discussing a cooperative agreement. I look forward to working with you on this matter. Please do not hesitate to contact me at, (916) 445-1399 or Mr. Perez at, (858) 637-5548 if we may be of assistance.

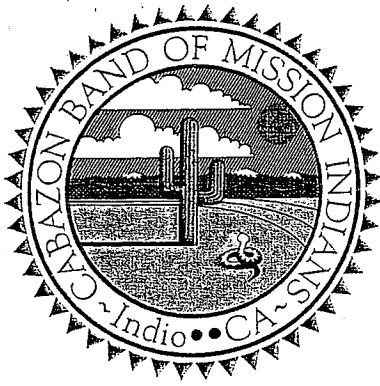
Sincerely,

Tam Doduc, P.E.  
Deputy Secretary for Environmental Quality

cc: Mr. Ramon Perez  
Department of Toxic Substances Control  
9174 Sky Park Court, Suite 150  
San Diego, California 92123

Mr. William Anderson  
July 12, 2004  
Page 2

bcc: Maureen Gorsen, Cal/EPA  
Lisa Brown, Cal/EPA  
BB Blevins, DTSC



June 20, 2004

State of California  
Terry Tamminen  
Secretary of Environmental Protection Agency  
1001 I Street  
PO Box 2815  
Sacramento, CA 95812-2815

Hon. Secretary Tamminen :

This letter is designed to provide an official written request from the Cabazon Band of Mission Indians, a federally recognized California Indian Tribe, to engage the State of California, through your authorized representative(s) to meet and confer regarding the construction/operation/regulation/management of a proposed waste treatment facility currently proposed to be located on the reservation trust land of the Cabazon Band.

We have learned that California has previously enacted section 25198.1 H&S (et seq.) and provides a framework for this request for negotiations to convene for purposes of reaching a cooperative agreement in a government-to-government fashion in light of or pursuant to the California Laws.

We intend to work with the state in good faith to negotiate such an agreement pursuant to those articles as guidelines, defining the respective rights, duties, and obligations of the state and the tribe concerning the approval, development, and operation of such facilities.

We request the Secretary consult with all entities necessary, including the Department of Toxic Substances Control, the Water Resources Control Board, the appropriate California regional water quality control board, the State Air Resources Board, and the appropriate air and water pollution control district or districts necessary to accommodate this request.

We would appreciate your rapid attention to this request, furnishing information regarding the procedures for developing a cooperative agreement and meeting with the spirit of such negotiations.



Please notify the Cabazon Band of Mission Indians as to the manner required to proceed further.

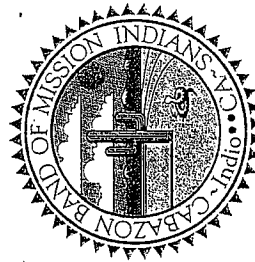
Your cooperation is greatly appreciated.

Sincerely,

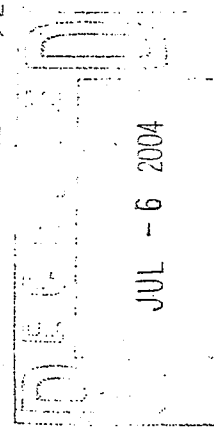
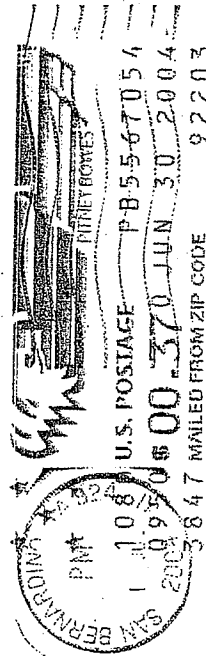
A handwritten signature in dark ink, appearing to read 'William Anderson', with a stylized, flowing script.

William Anderson  
Cabazon Environmental Department

Cc: Cabazon Business Committee  
Mark Nichols, CEO  
Duff Wenz, COO  
Glenn Feldman, General Counsel

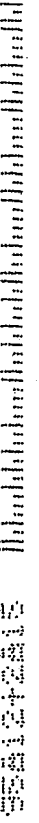
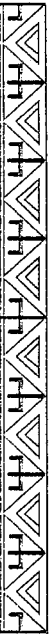


84-245 Indio Springs Parkway  
Indio, California 92203-3499



JUL - 6 2004

State of California  
Mr. Terry Tamminen  
Secretary of Environmental Protection Agency  
1001 I Street  
P.O. Box 2815  
Sacramento, Ca. 95812-2815



**From:** "Steve A. Chavez" <schavez@knightandcarver.com>  
**To:** Gloria Conti <gconti@dtsc.ca.gov>  
**Date:** 3/3/2011 1:54 PM  
**Subject:** RE: FW: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

Gloria, waiting patiently for your response... Thank you.

-----Original Message-----

**From:** Steve A. Chavez  
**Sent:** Tuesday, March 01, 2011 3:18 PM  
**To:** 'Gloria Conti'  
**Subject:** RE: FW: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA  
**Importance:** High

Gloria,

Knight & Carver's first concern is that our former waste hauler EFR did transport the material to a facility that does not have a permit. If the next step and proper procedure is for Knight & Carver to file a formal complaint against EFR then we will do so.

Knight & Carver's Management is extremely concerned regarding the health issues and our "PR" Dept would like to respond back to the originators' of this e-mail communication (Bob Nagle & Richard Reyes) with the correct response after working with the DTSC.

Knight & Carver does not have any working relationship with the individuals listed above.

Knight & Carver has no previous experience with issues of this nature and would greatly appreciate guidance in this matter.

-----Original Message-----

**From:** Gloria Conti [mailto:gconti@dtsc.ca.gov]  
**Sent:** Tuesday, March 01, 2011 1:57 PM  
**To:** Steve A. Chavez  
**Subject:** Re: FW: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

Steve,

I'm not really sure if you are wanting to file a complaint, or what this is really telling me at this point. Sounds like the first issue is that they took the waste to a facility that you did not authorize it being taken to. Is that correct?

Next there is the issue of the facility not being permitted, as someone mentioned in the email chain, I did not verify.

Then there appears to be a complaint about odors and health issues related to the Indian reservation.

I really don't know who these people are that are in the email chain. Can you please clarify for me what your main concerns are?



Gloria, Regulatory Assistance Officer  
Hazardous Substances Scientist  
DTSC Cypress Office  
714-484-5400

If you are regulated by DTSC, make our Regulatory Assistance Web page a favorite. We attempt to organize and present all the information you need in one, easy to get to place and we update it frequently.

DTSC Regulatory Assistance Officers provide informal guidance only about management of hazardous waste for the convenience of the public. Such oral or electronic mail advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.

The California Department of Toxic Substances Control (DTSC) has the authority under the California Health and Safety Code (HSC), Division 20, Chapter 6.5, (<http://www.leginfo.ca.gov/calaw.html>) to regulate hazardous waste activities. Requirements for the management of hazardous waste are outlined in the California Code of Regulations (CCR), Title 22, Division 4.5, Environmental Health (<http://www.dtsc.ca.gov/LawsRegsPolicies/Title22/index.cfm>). For precise legal requirements, you may also wish to review these specific laws and regulations.

If you believe that you have received incorrect information from a Regulatory Assistance Officer, please contact Carol Northrup at (510) 540-3914.

>>> "Steve A. Chavez" <[schavez@knightandcarver.com](mailto:schavez@knightandcarver.com)> 03/01/11 10:26 AM

>>>

Gloria.

Knight & Carver hired EFR Environmental Services, Inc. (CAR000011205) to transporter NON-RCRA Hazardous Waste Solid on 4/28/2009, 9/23/2009 & 12/18/2009. The waste ended up at designated facility Western Environmental Inc. 62-150 Gene Welmas Drive Mecca, CA 92254 (CAR000157206) 760-396-0222.

Review message below, what action if any is required from Knight & Carver?

Please advise...

Thank you.

---

From: Kate Pearson  
Sent: Monday, February 28, 2011 3:58 PM  
To: Steve A. Chavez  
Subject: Fw: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

---

From: Bob Nagle <bob.nagle@yahoo.com>  
To: Kate Pearson  
Cc: richard.reyes@cvusd.us <richard.reyes@cvusd.us>  
Sent: Mon Feb 28 15:59:17 2011  
Subject: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

Mr. Pearson,

It is important that you know that Knight and Carver at 1313 W. 24th Street National City, CA managed hazardous waste to the Western Environmental disposal site located on the Cabazon Indian Reservation in Mecca, CA. This disposal facility is not recognized by the DTSC as a permitted disposal facility. Because the facility is located on Indian Reservation property all County and California regulatory agencies have no authority to inspect or regulate this operation including regulating toxic odors that leave the reservation property.

Recently waste from this facility has sickened students and teachers that attend the Saul Martinez Elementary School in Mecca, CA (see attached). I am sure that you do not intend for your waste to cause the illnesses that have been realized by the citizens of the City of Mecca, CA. There are several parents that are concerned that their children are being exposed to benzene and other toxic contaminants. The community is 92 percent hispanic and they are fighting for their voice to be heard.

The Cabazon tribe has issued Western Environmental a 20 year lease. The Cabazon Tribe has recently stated that they are not profitable by having Western Environmental operate on their property. There is no such thing as transferring liability to another party when it comes to CERCLA liability. It should be noted that a generator owns their hazardous waste from "cradle to grave". The attached document details the hazardous waste loads that were recently sent to the Cabazon Indian

reservation.

If you feel that the waste was misclassified by the transporter or receiving facility, I suggest that you contact the Department of Toxic Substances Control 818-717-6675 or the EPA Criminal Enforcement Unit at 213-244-1900 or 619-557-2920.

Bobby Nagle

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**From:** Rick Jones  
**To:** Paul Kewin  
**CC:** Carmelita Lampino; Debra Schwartz; Paul Baranich; Roberto Kou; Sue L...  
**Date:** 4/12/2011 3:32 PM  
**Subject:** Re: Fwd: Cabazon  
**Attachments:** Fwd: FW: EPA contact needed for Mecca area inspection; Fwd: Western Environmental Inc. Mecca facility Permit

This facility, because of their location on tribal lands, has been a real thorn in our side for quite some time. It sounds like the Department is finally taking a stand, it's just too bad (or we can look at it as a good thing) the word came from site mitigation, but it does make a certain amount of sense, since most of what they receive is from site mitigation activities. We've heard complaints that they are totally undercutting the prices for disposal and as such have a huge competitive advantage over other permitted facilities.

In case you weren't aware, they were in the news a few months ago when a bunch of school kids, administrators and residents became ill from odors.

[http://www.pe.com/localnews/stories/PE\\_News\\_Local\\_D\\_smell15.2550ff0.html](http://www.pe.com/localnews/stories/PE_News_Local_D_smell15.2550ff0.html)

I'm also attaching a few other e-mails FYI...

>>> Paul Kewin 4/12/2011 2:10 PM >>>  
Thanks, Rick.

>>> On 4/12/2011 at 12:54 PM, Rick Jones wrote:  
FYI...

>>> Larry Stuck 4/11/2011 4:31 PM >>>  
Don't know if y'all saw this... FYI

[REDACTED]

**From:** Paul Baranich  
**To:** Rick Jones  
**Date:** 1/21/2009 3:55 PM  
**Subject:** Fwd: FW: EPA contact needed for Mecca area inspection

I meant to send this to you as well...

>>> "Johns, Joseph (USACAC)" <[Joseph.Johns@usdoj.gov](mailto:Joseph.Johns@usdoj.gov)> 1/21/2009 11:43 AM >>>  
Can you forward to Roger Kintz?

Thanks.

PS- HAPPY @\$%#@ NEW YEAR!!

Joseph O. Johns  
Chief, Environmental Crimes Section  
United States Attorneys Office for the Central District of California  
United States Courthouse, 13th Floor  
312 North Spring Street  
Los Angeles, California 90012  
T: 213.894.4536 F: 213.534.4300 [joseph.johns@usdoj.gov](mailto:joseph.johns@usdoj.gov)

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-----Original Message-----

From: Pym, Sheri (USACAC)  
Sent: Wednesday, January 21, 2009 10:31 AM  
To: Johns, Joseph (USACAC)  
Subject: EPA contact needed for Mecca area inspection

I received a call this morning from Jim Ray of Riverside County Hazmat regarding a problem emanating from the Cabazon reservation, where Ray says he has no regulatory jurisdiction. The details are hazy, but apparently the Cabazons have an enterprise zone on their lands on which they have allowed a non-Cabazon-owned entity to set up a plant to treat

soil contaminated by petroleum. Ray forwarded to me the e-mail below in which a Mecca fire captain says he observed pools of oil out there that appear to be coming from the plant and appear to be dangerous, possibly leaking into groundwater, etc. He believes it's a pretty urgent situation.

Because the local Hazmat has no regulatory jurisdiction there, Ray was thinking that perhaps EPA could go out and take a look at this. I can try to call around, but do you happen to know who a good person to call at EPA about this would be?

-----Original Message-----

From: Jim Ray [<mailto:JRay@co.riverside.ca.us>]

Sent: Wednesday, January 21, 2009 10:13 AM

To: Pym, Sheri (USACAC)

Subject: [WARNING - NOT VIRUS SCANNED] [WARNING - NOT VIRUS SCANNED]

Fwd: FW: Adress for WesternEnviornmental

>>> "Jim Ray" <[JRay@co.riverside.ca.us](mailto:JRay@co.riverside.ca.us)> 1/21/2009 10:09 AM >>>

>>> "Jim Ray" <[JRay@co.riverside.ca.us](mailto:JRay@co.riverside.ca.us)> 1/21/2009 10:05 AM >>>

>>> "Jim Ray" <[JRay@co.riverside.ca.us](mailto:JRay@co.riverside.ca.us)> 1/21/2009 10:03 AM >>>

>>> Jim Sappington 1/20/2009 3:30 PM >>>

This appears to be a facility...

>>> "Gaines, Kevin" <[Kevin.Gaines@fire.ca.gov](mailto:Kevin.Gaines@fire.ca.gov)> 01/20/09 2:49 PM >>>

Kevin Gaines

Battalion Chief

CAL FIRE

Riverside Unit

210 W. San Jacinto Ave.

Perris CA 92570

Cell (951) 377-8186

Office (951) 922-1437

[Kevin.Gaines@fire.ca.gov](mailto:Kevin.Gaines@fire.ca.gov) <<mailto:Kevin.Gaines@fire.ca.gov%20>>

CDF Web Site <<http://www.fire.ca.gov/>o<http://www.fire.ca.gov/>>  
[www.fire.ca.gov](http://www.fire.ca.gov)

RVC Fire Web Site [www.rvcfire.org](http://www.rvcfire.org)

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Excellence\*\***

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---

From: RRU Mecca Stn  
Sent: Tuesday, January 20, 2009 2:49 PM  
To: Gaines, Kevin  
Cc: Gregg, Alex  
Subject: Address for Western Enviornmental

Chief,

Here is the address and phone contact info as requested.



Joe Hammel

On Site Manager

62-150 Gene Wilmas Drive

Mecca, CA 92254

(760) 396-0222 Office

(760) 296-9416 Cell

Let us know if there is anything else that we can do.

Chief,

Engine 40 and 42 were at Western Environmental reviewing a preplan that FAE Tarrango is working on completing. While there I observed a number of oil laden "lakes". They might have contained all oil. One was at least 10,000 gallons. It was only contained by earth berms. This was an above grade "pool". Similar to an irrigation holding pond, but clearly improvised. There was obvious seepage in multiple areas around the berms. None of these areas were lined with any other materials. I know this company has permits to some degree, but based on my observations I doubt this is permitted. Based on the ground water level being very close to the surface I would have grave concerns that this is possibly contaminating the water table. Please advise if you need any further information. Captain Gonzales from Station 35 was working OT and observed the same conditions.

Robert Fish

Fire Captain-Paramedic

CALFIRE & Riverside County Fire

Battalion 6 Paramedic Coordinator

Station 40

**From:** Paul Baranich  
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**Date:** 1/21/2009 3:55 PM  
**Subject:** Fwd: FW: EPA contact needed for Mecca area inspection

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Robert Fish

Fire Captain-Paramedic

CALFIRE & Riverside County Fire

Battalion 6 Paramedic Coordinator

Station 40

**From:** Roger Kintz  
**To:** Joanna Rykoff; Paul Baranich; Rick Jones  
**Date:** 5/29/2007 5:52 PM  
**Subject:** Fwd: Western Environmental:FW: Foul Odor

FYI!

>>> "Rick Gluck" <[rgluck@aqmd.gov](mailto:rgluck@aqmd.gov)> 5/29/2007 4:53 PM >>>

Hi

I received this foul odor notification today and the company is located on the Cabazon Band of Mission Indians reservation.

Rick Gluck  
Air Quality Inspector II  
Area Sources  
(909) 396-2361  
[rgluck@aqmd.gov](mailto:rgluck@aqmd.gov)  
FAX (909) 396-3324

-----Original Message-----

From: RRU Mecca Stn [<mailto:RRU.MeccaStn@fire.ca.gov>]  
Sent: Sunday, May 27, 2007 10:07 PM  
To: Rick Gluck  
Subject: Foul Odor

Hey Rick how are you!

I am working in Mecca today station #40. I came outside at 22:00 hrs and the winds were blowing out of the north , north/west and there is just an awful stinch in the air (green waste odor, I have smelled this before at the Lawson Dump) coming from the green waste recycling place on Gene Welmas Road. Obviously they don't have any dust control measures in place. Just thought you may be interested.

I will be back at my normal duty station on Tuesday.

Take Care,

Jose Sanchez



760.397.4173 Station phone

760.535.8911 Fire Engine Cell

Roger Kintz, SHSS  
Task Force Investigations & Support Branch  
Department of Toxic Substances Control  
1011 N. Grandview Ave, Glendale CA 91201  
818-551-2891

**From:** "White, Chuck" <cwhite1@wm.com>  
**To:** "Ann Carberry" <ACarberr@dtsc.ca.gov>  
**Date:** 5/27/2009 11:48 AM  
**Subject:** Western Environmental

Ann --

According to WM Industrial Waste personnel in SoCal, Western Env. is located on Indian Reservation and they claim to treat non RCRA to non haz and thermally treat hydrocarbon soil. We don't believe either occurs. We don't believe they have any federal or state permits.

Western is preapproved by the LA Unified School District (LAUSD) to take many of their soil clean-up jobs. Western's prices are extremely competitive and they receive a large volume of contaminated soil waste from LA and OC Counties.

Chuck White, Director  
Regulatory Affairs/West  
Waste Management  
915 L Street, Suite 1430  
Sacramento, CA 95814  
Phone: 916-552-5859  
Cell: 916-761-7882  
Email: cwhite1@wm.com

From Everyday Collection to Environmental Protection  
Think Green, Think Waste Management !

-----Original Message-----

From: Ann Carberry [mailto:ACarberr@dtsc.ca.gov]  
Sent: Tuesday, May 26, 2009 3:28 PM  
To: White, Chuck  
Subject: Re: Generator Fee exclusion for Facility Fee payers

Thanks. Just what I was looking for.

Any info on Western Environmental in Mecca?

Ann M. Carberry, Sr. HSS  
916-322-1131/fax 916-322-1005

>>> "White, Chuck" <cwhite1@wm.com> 5/26/2009 3:19 PM >>>  
As requested:

25205.5. (a) In addition to the fee imposed pursuant to Section 25174.1, every generator of hazardous waste, in the amounts specified in subdivision (c), shall pay the board a generator fee for each generator site for each calendar year, or portion thereof, unless the generator has paid a facility fee or received a credit, as specified in Section 25205.2, for each specific site, for the calendar year for which the generator fee is due.

Chuck White, Director  
Regulatory Affairs/West

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---

Waste Management recycles enough paper every year to save 41 million trees. By not printing this email, you can help save even more.

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## Richard Driscoll - Schools - issues.

---

**From:** Barbara Cook  
**To:** Stewart Black; Thomas Cota  
**Date:** 9/16/2010 1:25 PM  
**Subject:** Schools - issues.

---

Stewart and Tom,

Welcome back. For the most part it was quiet. Here's what happened at our high interest sites.

CRES 13 - Jane is now claiming the material was not disposed appropriately. The attached note is the information Amit provided me on where the material went. Maziar will probably be calling USEPA to discuss permitting of disposal facility on tribal lands.

CRES 3 - Maziar is also hearing rumors about school #3 in LAUSD. Only rumors - so Tom, this is a heads up that you might want to track down the information in case we are called upon for more information early next week.

Towers Elementary - Dwight called today and wanted to know what was happening. Told me I hadn't heard anything. I asked when the hard-scape report would be submitted and he promised to prepare and submit by early October. He got test results back on the wash water - only found zinc. Not surprising based on what the gutters were made of and not hazardous. He wants our OK that it is not hazardous before he ask the City to take to their WWTP. So either Juan and I hopefully will get something soon. I did tell him I wanted to get those drums off school property sooner rather than later.

>>> Barbara Cook 9/16/2010 1:12 PM >>>  
Maziar

I understand that you have also requested this information from Amit. So hopefully we say the same thing.

First the material from B-2 at CRES #13 is a non-hazardous waste primarily TPH with VOCs. The material went to Western Environmental located in Mecca, CA. It is on tribal lands.

>>> Barbara Cook 9/16/2010 12:47 PM >>>  
Amit,

I have been asked to find out where the contaminated soils from CRES 13 were shipped for disposal. If you can get back to me ASAP that will be great.

**From:** Maziar Movassaghi  
**To:** Amit Pathak; Thomas Cota  
**CC:** Barbara Cook; Stewart Black  
**Date:** 9/16/2010 3:29 PM  
**Subject:** Re: Carson Gore School

Tom:

You should give them the heads up the an AP reporter is writing a story about this stuff and they should be prepared to answer questions.

Are you available for a quick call? If so, please call 916-322-0504

Maziar Movassaghi  
Acting Director  
Department of Toxic Substances Control  
1001 I Street, 25th Floor  
Sacramento, CA 95814  
916-322-0504

>>> Thomas Cota 9/16/2010 2:19 PM >>>

The soil had various COC such as TPH and some chlorinated VOCs, however when classifying the soil it did not meet the definition of a hazardous waste and thus LAUSD shipped the soil off as non-hazardous. It is the responsibility of LAUSD to manage there waste in compliance with all laws and regulations.

I talked with LAUSD yesterday and they indicted that they had all the lab data to support shipping the soil to the facility.

Tom

Thomas Cota  
Sent by Blackberry  
-----Original Message-----  
From: Maziar Movassaghi  
To: Pathak, Amit <APathak@dtsc.ca.gov>  
Cc: Cota, Thomas <TCota@dtsc.ca.gov>  
Cc: Black, Stewart <SBlack@dtsc.ca.gov>  
Cc: Cook, Barbara <BCook@dtsc.ca.gov>

Sent: 9/16/2010 2:05:14 PM  
Subject: Re: Carson Gore School

So this clean soil that went to Mecca?

-----Original Message-----  
From: Amit Pathak  
To: Movassaghi, Maziar <MMovassa@dtsc.ca.gov>  
Cc: Cota, Thomas <TCota@dtsc.ca.gov>  
Cc: Black, Stewart <SBlack@dtsc.ca.gov>  
Cc: Cook, Barbara <BCook@dtsc.ca.gov>

Sent: 9/16/2010 1:34:23 PM  
Subject: Re: Carson Gore School

Maziar:

Approximately 24,000 tons of soil from CRES#13 Area B2 was disposed of by Pacific States (LAUSD's contractor) at the Western Environmental Inc. facility in Mecca, California. Please note that the soil was profiled as Non Hazardous soil.

Let me know if you have any other questions.

Amit Pathak, P.E.  
Senior Hazardous Substances Engineer  
Brownfields and Environmental Restoration Program  
Schools Team  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, CA 90630  
Phone: 714-484-5468  
Cell: 714-397-9187  
Fax: 714-484-5302  
E-mail: [apathak@dtsc.ca.gov](mailto:apathak@dtsc.ca.gov)

>>> On 9/16/2010 at 12:26 PM, in message < [4C920D07.B043.00AA.0@dtsc.ca.gov](mailto:4C920D07.B043.00AA.0@dtsc.ca.gov) >, Maziar Movassaghi wrote:  
Amit:

Can you please verify where they are sending the HW from the Carson-Gore school to?

Thanks

Maziar Movassaghi  
Acting Director  
Department of Toxic Substances Control  
1001 I Street, 25th Floor  
Sacramento, CA 95814  
916-322-0504

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## Richard Driscoll - FW: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

---

**From:** "Steve A. Chavez" <schavez@knightandcarver.com>  
**To:** <Gconti@dtsc.ca.gov>  
**Date:** 3/1/2011 10:26 AM  
**Subject:** FW: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA  
**Attachments:** \_www.pe.com\_localnews\_stories\_PE\_News\_Local\_D\_smell15.255.pdf; Meccaodorsfactsheet.pdf; Western Environmental.pdf; 1092\_Mecca 10282010 Knight and Carver (3).pdf

---

Gloria.

Knight & Carver hired EFR Environmental Services, Inc. (CAR000011205) to transporter NON-RCRA Hazardous Waste Solid on 4/28/2009, 9/23/2009 & 12/18/2009. The waste ended up at designated facility Western Environmental Inc. 62-150 Gene Welmas Drive Mecca, CA 92254 (CAR000157206) 760-396-0222.

Review message below, what action if any is required from Knight & Carver?

Please advise...

Thank you.

---

**From:** Kate Pearson  
**Sent:** Monday, February 28, 2011 3:58 PM  
**To:** Steve A. Chavez  
**Subject:** Fw: Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

---

**From:** Bob Nagle <bob.nagle@yahoo.com>  
**To:** Kate Pearson  
**Cc:** richard.reyes@cvusd.us <richard.reyes@cvusd.us>  
**Sent:** Mon Feb 28 15:59:17 2011  
**Subject:** Knight and Carver disposed of 4 loads of hazardous waste at the Cabazon Indian Reservation in Mecca. CA

Mr. Pearson,

It is important that you know that Knight and Carver at 1313 W. 24th Street National City, CA managed hazardous waste to the Western Environmental disposal site located on the Cabazon Indian Reservation in Mecca, CA. This disposal facility is not recognized by the DTSC as a permitted disposal facility. Because the facility is located on Indian Reservation property all County and California regulatory agencies have no authority to inspect or regulate this operation including regulating toxic odors that leave the reservation property.

Recently waste from this facility has sickened students and teachers that attend the Saul Martinez Elementary School in Mecca, CA (see attached). I am sure that you do not intend for your waste to cause the illnesses that have been realized by the citizens of the City of Mecca, CA. There are several

parents that are concerned that their children are being exposed to benzene and other toxic contaminants. The community is 92 percent hispanic and they are fighting for their voice to be heard.

The Cabazon tribe has issued Western Environmental a 20 year lease. The Cabazon Tribe has recently stated that they are not profitable by having Western Environmental operate on their property. There is no such thing as transferring liability to another party when it comes to CERCLA liability. It should be noted that a generator owns their hazardous waste from "cradle to grave". The attached document details the hazardous waste loads that were recently sent to the Cabazon Indian reservation.

If you feel that the waste was misclassified by the transporter or receiving facility, I suggest that you contact the Department of Toxic Substances Control 818-717-6675 or the EPA Criminal Enforcement Unit at 213-244-1900 or 619-557-2920.

Bobby Nagle

---

This email has been scanned by the MessageLabs Email Security System.  
For more information please visit <http://www.messagelabs.com/email>

---

**From:** Paul Baranich  
**To:** Rick Jones  
**Date:** 4/8/2011 5:00 PM  
**Subject:** Fwd: Western Environmental Inc. Mecca facility Permit

fyi

>>> Thomas Cota 4/8/2011 3:31 PM >>>

Hi everyone, please read and distribute this information as indicated. For school staff, I will inform LAUSD management today and ask them to inform their consultants.

Please contact me if you have any questions.

Tom

>>> Stewart Black 4/8/2011 3:22 PM >>>

All,

Please distribute the following information to your staff and ask them to notify project proponents, responsible parties, and any other stakeholders that may be impacted by this determination.

The Department of Toxic Substances Control (DTSC) has determined that the Western Environmental Inc. facility located in Mecca (Riverside County) does not have a valid hazardous waste permit to operate in the State of California. The facility, which accepts non-RCRA hazardous waste, is located in the Coachella Valley near Indio on tribal land owned by the Cabazon Band of Mission Indians. Because this facility accepts non-RCRA hazardous waste, under California law it must either obtain a permit (1) from DTSC or (2) from the Cabazon tribe after the tribe has entered into a cooperative agreement with the Secretary of Cal/EPA. Western Environmental Inc. has not requested or received a permit from DTSC to operate a hazardous waste facility. The Cabazon tribe has not entered into a cooperative agreement with the Secretary of Cal/EPA authorizing the tribe to issue a hazardous waste permit.

For these reasons, we are notifying you that Western Environmental Inc. is not authorized to receive non-RCRA hazardous waste. Any shipments made to this facility are therefore considered to be out of compliance with California law. For further information, please contact Mohinder Sandhu at (916) 255-3716.

## Richard Driscoll - Cabazon Resource Recovery Park

---

**From:** Larry Moothart <Larry@belshire.com>  
**To:** "vmurai@dtsc.ca.gov" <vmurai@dtsc.ca.gov>  
**Date:** 6/22/2010 2:58 PM  
**Subject:** Cabazon Resource Recovery Park  
**Attachments:** A1 The cabazon Resource Recovery Park.pdf; A2 Calrecycle.ca.gov\_Cabazon Resource Recovery Park.pdf; A4 Mecca Hazardous Waste tonnage received.pdf

---

Resending

---

**From:** Larry Moothart  
**Sent:** Tuesday, June 15, 2010 4:17 PM  
**To:** 'vmuria@dtsc.ca.gov'  
**Subject:** FW: Cabazon Resource Recovery Park

Vivian,

I have included attachments concerning the Cabazon Indian Reservation, Mecca, CA and Western Environmental.

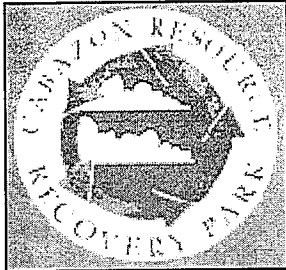
Thanks for your assistance.

**Larry Moothart**  
Manager  
Belshire Environmental Services, Inc.  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610

949-460-5200  
949-460-5210 (fax)

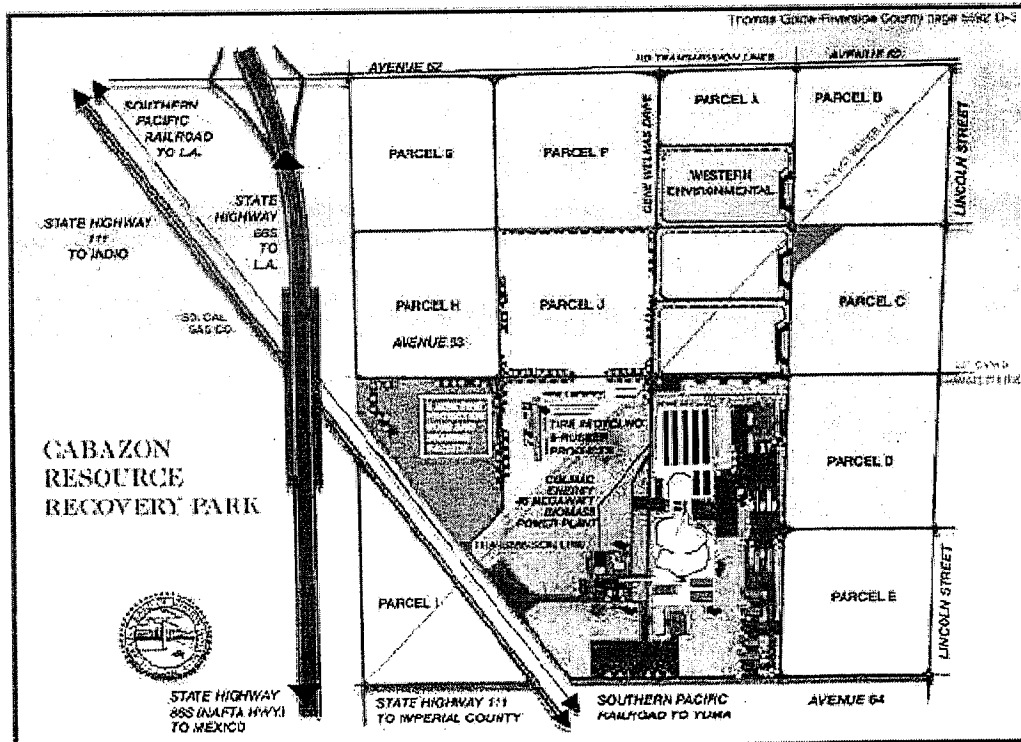
[larry@belshire.com](mailto:larry@belshire.com)  
[www.belshire.com](http://www.belshire.com)

### 3. THE CABAZON RESOURCE RECOVERY PARK



The Western Environmental Incorporated processing facility is located within the Cabazon Resource Recovery Park. The Cabazon Resource Recovery Park is a 640-acre industrial park dedicated to the environmental waste management solutions.

The Cabazon Resource Recovery Park is a venture by the Cabazon Band of Mission Indians to create a facility on their reservation that reflects their historical harmony with land and nature. The Park is a planned mix of ecologically friendly projects that preserve, recycle, or transform waste streams. Under the Tribe's plan, potential industries will individually and collectively implement practical solutions to environmental and waste management problems of various types.



Area Plan



## Resource Recovery Parks

**Case Studies**[Local Govt. Library](#)[Home](#)[Basics](#)[CalRecycle Guidance](#)[Local Govt. Data](#)[Tools](#)[Model Documents](#)[Local Govt. Case](#)[Studies](#)[Outreach Materials](#)[Sample Documents](#)[Summary & Statistics](#)[Local Govt. Central](#)[Need Help?](#)[Cabazon Resource Recovery Park](#)[Eco-Industrial Parks](#)**Cabazon Resource Recovery Park**

Recognizing the need for a well-conceived, environmentally sound industry to diversify their economy, the Cabazon Band of Mission Indians has set aside a 590-acre portion of their reservation for a resource recovery park.

The Cabazons have always lived in harmony with the land and innovatively built a future with few resources. Through their resourcefulness, they found ways to survive in the arid desert outside of Palm Springs, California. The Cabazon Resource Recovery Park is easily accessible from Interstate 10 via State Highway 111 in Mecca, California.

In the mid-1970s, the Cabazons developed an overall master plan for their tribal lands. The key to that plan is economic diversity, pursued through several enterprises. The tribe's casino alone provides jobs for more than 500 people. Indirect or secondary spending by employees, vendors, and tourists triples the economic impact throughout the community.

Under the tribe's plan for the Cabazon Resource Recovery Park, potential industries individually and collectively implement practical solutions to environmental and waste management problems of various types.

The following enterprises are currently operating:

Colmac Energy, Inc. (a biomass-fueled power generation plant).

First Nation Recovery Inc. (a crumb rubber manufacturer from old tires).

Proposed projects include the following:

Metals reclamation.

Biomass (tires, organics, plastics) gasification.

Used oil refinery.

Ethanol or methanol facility.

Green and food waste composting.

Metals recycling (e.g., copper, nickel wire).

Construction & demolition recycling.

Reclaimed glass.

Plastics and rubber molding.

Organic prawn farm.

Soil blending and bagging.

Paper de-inking.

Steel production.

Regional materials recovery facility.

Other industries that recycle, reuse, or transform waste streams into useful commodities.

Related light and heavy manufacturing and offices.

The Cabazons honor their ancestors and show their appreciation for their success by giving to charitable organizations and embracing environmental issues. They do everything within their power to leave the children of the world a legacy of knowledge, good health, and happiness.

#### **Development Incentives**

As an equity partner, the tribe has a direct interest in ensuring cost-effective development. Incentives for establishing and maintaining a business on the Cabazon Reservation include:

**Streamlined permitting.** The Cabazons' Planning Department handles approvals, plan checks, building permits, zoning, and inspections. While the Cabazon tribe chooses to maintain high standards for environmental quality, a project proponent need not go through lengthy and costly approval processes typical in other areas.

A recently-approved U.S. Environmental Protection Agency programmatic environmental impact statement (EIS) included about 50 potential projects. Those named in the EIS would be good candidates to tackle first; larger or different projects would require a modification of the EIS. Regardless of the options chosen, the bulk of the environmental review will still have been completed.

**Minimal limitations.** The site is zoned for heavy industrial to light manufacturing. There are no height, setback, or other requirements limiting most construction. The site has no endangered species, special habitat zones, or wetlands. Rail access, electricity, natural gas, water, and telephone services are all in close proximity to the site.

**Lower fees.** Development fees on the Cabazon reservation are significantly less than in neighboring jurisdictions in the Coachella Valley.

**Lower costs.** Fees are kept at cost; there are no school fees, transportation mitigation fees, or other special measures involved. The tribe is not required to comply with the Subdivision Map Act. As a governmental purchaser, the tribe obtains favorable pricing from vendors.

**Tax incentives.** This project includes the following tax incentives:

Tribes and tribal-owned corporations are not subject to federal income taxation on reservation land. A joint venture structured as a limited partnership or limited corporation could allocate the tribe's share of tax deductions and credits to the venture.

Goods and services such as fuel and telephone may be excluded from excise taxation if the tribe provides these goods and services to the venture.

Through the Indian Government Tribal Tax Status Act, tribes can obtain tax-exempt financing and other tax-exempt obligations.

The Revenue Reconciliation Act of 1993 outlines several tax advantages for businesses on Indian land. These benefits include accelerated depreciation schedules and incremental wage credits and insurance costs.

Tribal ventures also may be exempt from State and local gross receipt taxes, license, consumption and use taxes, and conveyance taxes.

Deductions and credits against State income tax may be available to joint ventures if they meet certain conditions.

**Rural Empowerment Zone.** The Cabazon Resource Recovery Park is also located in an area that was designated a "rural empowerment zone" in 1999. The Desert Communities Empowerment Zone is one of five federally-designated zones in the nation. The tribe will receive an initial \$2 million grant and an additional \$2 million in 2000. Cabazon Second Vice Chairman Marc Benitez was recently named president of the Desert Alliance for Community Empowerment, a nonprofit board responsible for implementation of the strategic plan for the empowerment zone. Empowerment zone status provides additional tax breaks and incentives.

**Colmac Energy--The Anchor**

Colmac Energy is a 48-megawatt biomass-fueled power generation plant that provides power to Southern California Edison under a long-term contract. A critical anchor for the Cabazon Resource Recovery Park, the \$148 million facility was the first resource recovery business to be built and in the park.

The facility uses 700 to 900 tons per day of biomass fuels. Colmac obtains wood, woody wastes, and agricultural residues from throughout Southern California. These wastes, combined with limited amounts of natural gas and petroleum coke, fuel the plant. This has provided one of the most stable markets for many municipal yard waste and wood waste recycling programs, particularly in the Inland Empire of San Bernardino and Riverside counties and the Coachella Valley.

Since opening in February 1992, Colmac has used an average of 275,000 tons each year of biomass and petroleum coke. Burning these fuels produces steam, which drives a turbine generator. The electricity generated supplies power to approximately 45,000 homes.

The plant is equipped with the latest pollution-control equipment and meets all California and EPA environmental standards. The plant uses water from either of two on-site wells, each approximately 800 feet in depth. Water consumption is about 600 gallons per minute, almost all of which is lost to cooling tower evaporation. No wastewater is discharged for disposal.

Large transfer trucks deliver material to the plant from throughout California. Deliveries average 40 trucks per day on a six-day-per-week basis (deliveries are not accepted on Sundays). The plant also receives 10 to 25 small truckloads of biomass per day from landscape contractors and small growers.

In 1999, deregulation of the electricity market in California threatened to close the Colmac plant. Southern California Edison has proposed to buy out the remainder of the 10-year agreement it has with Colmac. However, due to tremendous support from local governments and private industry throughout Southern California, Colmac is planning to remain open. In order to price its electricity rates more competitively, the plant will need to obtain its biomass fuel at no cost. Colmac will also be seeking tax credits to support its continued operations.

Colmac generates about 70 to 80 tons of non-hazardous wood ash per week. This ash could be used in road construction, in municipal wastewater plants, or as mine backfill and reclamation material. The ash could go into selected building materials or be used to convert sludge to fertilizer. The Cabazons are open to an entrepreneur pursuing one of those uses for this material.

**First Nation Recovery Inc.**

First Nation Recovery Inc. (First Nation) is a wholly owned \$10 million venture of the Cabazons. Through state-of-the-art recycling processes, First Nation can turn millions of scrap tires a year into useful products. The facility has been shipping close to 1.5 million pounds of crumb rubber a month since it opened in June 1999.

First Nation has formed a strategic alliance with Momentum Technologies Inc., one of the nation's leading materials-testing laboratories, to provide customer quality assurance. The sales and marketing department in Pinole, California, conducts all product sales for First Nation.

First Nation obtains its tires from permitted and licensed scrap tire haulers in Southern California. These companies collect tires from tire shops, public works departments, and other scrap tire generators and deliver them to First Nation in Mecca. First Nation does not handle individual tire delivery.

First Nation currently processes 6,000 pounds of tires per hour (270 car tires per hour or 250 small truck tires per hour), which equates to 48,000 pounds per eight-hour shift. First Nation currently runs one shift but will eventually run three full shifts. First Nation will be able to process 720,000 pounds per week-about 35 million pounds per year-once they are running three shifts. There are 10 full-time employees, including management staff, office personnel, and the plant crew.



The company's largest contract to date was for 965,000 pounds of rubberized asphalt concrete (RAC) for a highway project in Arizona. Some of the high-quality environmentally beneficial products that First Nation produces are:

**Crumb Rubber.** High-quality crumb rubber, available in mesh sizes as fine as 40x. Compounders use crumb rubber in thousands of products, from floor mats to athletic mats, asphalt sealant, and dock bumpers. They produce both plastic products and rubber products.

**EcoPave TP.** This is an enhanced formula of fine mesh crumb rubber for the rubberized asphalt industry. With superior blending properties, EcoPave TP meets the Federal Highway Administration's SUPERPAVE standards and results in a more durable road surface. **EnviroTurf.** This product has a cushion-like feel and is perfect for playground and landscape cover. It is nonabrasive and nontoxic, has an ultraviolet ray-protective surface, and is treated with antifungicide and antibacterial agents. It comes in colors and is easy to install and maintain.

**EnviroTurf EQ.** This product is used for year-round, multiuse equestrian arenas. It reduces horse fatigue and injury and drains quickly, but it holds enough moisture to reduce dust. It won't freeze or trench out, and it helps cut surface glare and requires minimum maintenance.

Five months after its June 1999 opening, First Nation was honored with a Project Achievement Award from the Association of Environmental Professionals.

### **Eco-Industrial Parks**

RR parks evolved from eco-industrial parks (eco-parks), a major development in the U.S. and around the world. Eco-parks focus on environmental management issues and stress the synergistic use of wastes from one company as resources for another in the park.

Eco-parks are one of the major initiatives of the President's Council on Sustainable Development (PCSD), Eco-Efficiency Task Force. The PCSD funded planning efforts at four sites (Baltimore, Md.; Brownsville, Tex.; Chattanooga, Tenn.; and Port Charles, Va.) to speed the implementation of the concept in the United States. Localities are in varying stages of planning and implementation.

In its landmark 1996 report, *Sustainable America: A New Consensus for Prosperity, Opportunity, and a Healthy Environment*, the PCSD recommended that "Federal and state agencies assist communities that want to create eco-industrial parks...[as] models of industrial efficiency, cooperation, and environmental responsibility."

PCSD defined an eco-park as a group of businesses that work together and with the community to efficiently share resources (materials, water, energy, infrastructure, natural habitat, and information), enhance economic prosperity, and improve the environment.

A community, a local government, a nonprofit organization, or a business can initiate eco-parks, but their success often depends on broad support and collaboration.

In its 1997 report, *The Road to Sustainable Development: A Snapshot of Activities in the United States*, the PCSD highlighted three general models of eco-parks:

Zero-emissions eco-park, in which a group of businesses are colocated and work together to reduce or eliminate emissions and wastes.

Virtual eco-park, in which businesses are geographically separate but work together to minimize their impact on the environment.

Eco-development, in which nonindustrial establishments apply the principles of industrial ecology.

Industrial ecology is the study of a closed loop in which resources and energy flow into production processes. Excess materials go back into the loop so that little or no waste is generated. Consumer products flow back into production loops through recycling to recover resources. Ideally, the loops are closed within a factory or among industries in a region.

This newly evolving area of economic development is beginning to be tested in practice. It has potential to link economic development, environmental protection, and social equity in communities throughout the United States.

### Examples of Eco-Parks

The following examples of eco-parks are based on summaries provided in the PCSD 1997 Report, *The Road to Sustainable Development: A Snapshot of Activities in the United States*.

**Northampton County, Virginia.** An example of the first type of eco-park is the Port of Cape Charles Sustainable Technologies Industrial Park, located in Eastville, Northampton County, Virginia. Cape Charles is in the Chesapeake Bay coastal region. The area serves as a critical flyway for migrating birds, with some of the highest bird counts on the whole eastern shore. In addition to its natural features, the area has a rich cultural and historic heritage, characterized by Native American archeological sites and historic homes.

The community, as part of a comprehensive Sustainable Development Action Strategy, is designing the Port of Cape Charles eco-park. If successful, the facility will create local jobs and provide protection for the area's natural and cultural resources.

The eco-park will provide for water recycling among the resident companies by means of a used-water collection system, a water recovery facility, and a recycled-water distribution system. In addition, a technical panel will analyze and determine whether other companies within the park can use the by-products of existing and proposed companies.

Construction on the eco-park began in October 1996, with funding from local, regional, State, and federal sources. The first tenant will be Solar Building Systems Inc. The Northampton County Department of Sustainable Economic Development/Joint Industrial Development Authority is managing the project. Initial efforts have focused on recruiting compatible companies and on developing effective management for the park as an industrial ecosystem. The local community is enthusiastic and committed to the project, and it will be a key to the park's future success.

**Brownsville, Texas.** An example of the second type of eco-park (a "virtual" eco-park) is a project in Brownsville, Texas. Brownsville is located on the southern tip of Texas in the Rio Grande Valley and is often referred to as a city "on the border, by the sea." It has a rich natural environment and is considered to be one of the three top bird-watching sites in the United States. At the same time, the city has some of the most serious environmental problems in the northern hemisphere and is struggling to address its high poverty and unemployment rates.

Local and state government officials have been the primary drivers behind the development of an eco-park in this border region. Clearly if the region's industrial growth is to continue, the nature of that development must change to protect both human health and the environment.

As a virtual eco-park, the Brownsville project takes a regional approach to exchanging waste materials and by-products. This approach is sometimes referred to as regional "industrial symbiosis." The project could eventually include a group of businesses that are geographically located together, but colocation is not the driving force behind the project at this time. As currently envisioned, the project will include not only industrial facilities but also small businesses and the agricultural sector.

Planning for the Brownsville project has focused on identifying firms that could benefit from participating in regional industrial symbiosis. Project planners have developed a database of companies in Brownsville and in the neighboring city of Matamoros, Mexico. They are analyzing it to identify potential materials exchanges among these industries and/or new companies.

The Texas Department of Commerce and the Brownsville community have provided initial funding, and project leaders are working to secure long-term support. State officials will be working closely with project leaders to ensure that permitting procedures do not become a barrier to development.

After adding cost-based data to the database, project planners will develop a marketing plan to evaluate and recruit participants. They plan to educate and involve the local residents in implementing the project. The project holds great promise for improving the lives of the people of Brownsville.

**Burlington, Vermont.** An example of the third type of eco-park (eco-development) is the Riverside Eco-Park in Burlington, Vermont. This project will create an agricultural-industrial park in an urban setting that will:

1. Generate electricity using biomass technologies that use readily available resources (e.g., wood chips).
2. Use the waste heat generated by the power plant to support the greenhouse production of fish and horticultural products.
3. Use biologically-based "living systems" to digest liquid organic wastes (which are common in the food processing industry) to purify water and create high strength fertilizers.
4. Recycle and compost the area's waste foodstuffs and yard debris to replenish local soils, increase agricultural production, and support value-added organic food industries. All of these emerging technologies are being developed with the ultimate goal of transferring them to other industries and communities.

This project is expected to have several positive results, including reducing the waste heat that is released into the air and water, improving soil conditions and water quality, and creating sustainable jobs for the local people. A feasibility study that examined the inputs, outflows, and costs of the biomass energy systems and the living systems led to the conclusion that combining the two systems could be economically and environmentally beneficial. The next steps will be to prepare engineering and cost analyses of the linked systems.

A Community Development Block Grant, the Burlington Electric Department, the Department of Public Works, and Cornell University are providing support. Project leaders have applied to the U.S. EPA and the U.S. Department of Energy for funding.

The leaders have also recruited a number of organizations and companies to participate in the first demonstration project. They plan to bring in additional partners as the strengths and weaknesses of the project become evident. Project leaders have developed an aggressive five-year plan. They expect to transfer this eco-development model to other sites and to the development of commercially viable spinoff industries.

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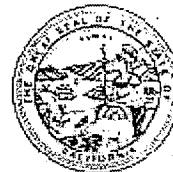
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Linda S. Adams  
Secretary for  
Environmental Protection

## Department of Toxic Substances Control

Maziar Movassaghi, Acting Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

### EPA ID PROFILE

ID Number: **CAR000157206**

Name: WESTERN ENVIRONMENTAL LLC

Status: ACTIVE

Inactive Date:

Record Entered: 12/30/2004

Last Updated: 04/05/2010

County: RIVERSIDE

NAICS: 562219

SIC: 4953

	Name	Address	City	State	Zip Code	Phone
Location	WESTERN ENVIRONMENTAL LLC	62 150 GENE WELMAS	MECCA	CA	92203	
Mailing		PO BOX 248	MECCA	CA	922540000	
Owner	WRT INDIO LLC	62 250 GENE WELMAS	MECCA	CA	92203	7603960222
Operator/ Contact	MATTHEW MULLEN	37281 BRADFORD DR	INDIO	CA	92203	7604576596

Based ONLY upon ID Number

CAR000157206

Calif. Manifests ?	Non Calif. Manifests ?	Transporter Registration ?
YES	NO	NO

California and Non California Manifest Tonnage Total and Waste Code by Year Matrix by Entity Type (if available)  
are on the next page

The Department of Toxics Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.

Report Generation Date: 04/21/2010

<b>Calif. Manifest Counts and Total Tonnage</b>
---

Top line represents Manifest Count and Bottom line represents Total Tonnage

	GENERATOR	TRANS. 2	TSDF	ALT. TSDF
2003			1 23.0000	
2004			1 15.1704	
2005	1 0.3000		471 8,513.1004	1 15.1704
2006			1092 22,655.2528	
2007			149 2,946.2896	
2008			1071 15,507.0098	7 24.5936
2009	1 3.4403	1 0.5000	6293 112,973.2126	1 21.0000
2010			137 1,454.0970	

<b>Non California Manifest Total Tonnage</b>
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<b>Waste Code By Year By Entity Matrix Report (based on California Manifests only)</b>
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Calif.	<u>Generator</u>	<u>Transporter 1</u>	<u>Transporter 2</u>	<u>TSDF</u>	<u>Alt. TSDF</u>
RCRA	<u>Generator</u>	<u>Transporter 1</u>	<u>Transporter 2</u>	<u>TSDF</u>	<u>Alt. TSDF</u>

**From:** Larry Moothart <Larry@belshire.com>  
**To:** Jim Ray <JRay@co.riverside.ca.us>, "VMurai@dtsc.ca.gov" <VMurai@dtsc.ca....>  
**Date:** 7/9/2010 2:06 PM  
**Subject:** FW: need quote

Jim and Vivian,

Below is an email received from our customer service rep. at Clean harbors landfill Buttonwillow, CA. This is only going to play into the hands of the Indian Reservation in Mecca, CA. The hazardous waste landfills (Buttonwillow and Kettleman) are concerned with reaching capacity before year end. They are declining to commit to accept waste from projects greater than 200 tons!

Larry Moothart  
Belshire Environmental Services, Inc.

-----Original Message-----

From: Beilke, Shelby M [mailto:beilke.shelby@cleanharbors.com]  
Sent: Friday, July 09, 2010 1:19 PM  
To: Judy Pollard  
Cc: Julianne Finkelnburg  
Subject: RE: need quote

Judy,  
We are no longer quoting projects larger then 200 tons for Buttonwillow.  
The only other option we have is our landfill in Grassy Mountain, UT.  
Let me know what you'd like to do.  
Sorry  
Thanks  
Shelby

---

Shelby Beilke  
Distributor Services, Vertical Account Manager Clean Harbors Environmental Services  
1737 East Denni Street  
Wilmington, CA 90744  
Mobile: 619.402.8519  
Email: beilke.shelby@cleanharbors.com  
Web: www.cleanharbors.com

---

## Richard Driscoll - Cabazon Resource Recovery Park

---

**From:** Larry Moothart <Larry@belshire.com>  
**To:** 'Vivian Murai' <VMurai@dtsc.ca.gov>  
**Date:** 7/16/2010 10:57 AM  
**Subject:** Cabazon Resource Recovery Park

---

Hi Vivian,

I am requesting that the DTSC provide me with confirmation that Western Environmental in Mecca, CA is authorized by the DTSC to accept hazardous waste (for treatment or disposal) from generators located in California. If Western Environmental is not authorized by the DTSC to accept hazardous waste (for treatment or disposal) from generators located in California, please provide a statement to this effect.

Thank you,

**Larry Moothart**  
Manager  
Belshire Environmental Services, Inc.  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610

949-460-5200  
949-460-5210 (fax)

[larry@belshire.com](mailto:larry@belshire.com)  
[www.belshire.com](http://www.belshire.com)

**From:** Larry Moothart <Larry@belshire.com>  
**To:** "VMurai@dtsc.ca.gov" <VMurai@dtsc.ca.gov>  
**Date:** 8/6/2010 9:32 AM  
**Subject:** Clean Harbors Buttonwillow

Vivian,

We received this email from Clean harbors Buttonwillow hazardous waste landfill. This will push more soil to Mecca.

We are not taking/pricing any new projects for 2010.  
All the annual capacity has been allotted to other projects.  
Sorry!  
Thanks  
Shelby

---

Shelby Beilke  
Distributor Services, Vertical Account Manager Clean Harbors Environmental Services  
1737 East Denni Street  
Wilmington, CA 90744  
Mobile: 619.402.8519  
Email: beilke.shelby@cleanharbors.com  
Web: www.cleanharbors.com

---

---

From: Judy Pollard [judyp@belshire.com]  
Sent: Friday, August 06, 2010 9:14 AM  
To: Beilke, Shelby M  
Subject: RE: Former Exxon, San Mateo

Good Morning Shelby,

Is Buttonwillow accepting soil at all at this point? Are they accepting any hazardous soil or just non-haz? If they are scheduling soil in, how much advance notice would be required? Does it matter who the client is? Are they limiting acceptance on a job to job basis?

I'm just trying to get a feel of where we stand when quoting customers for bulk and bins and I don't want to keep bugging you unnecessarily

Thanks.

Judy Pollard  
Field Coordinator  
Belshire  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610  
(949) 460-5200 x108  
(949) 254-0082 (cell)  
(949) 460-5210 (fax)

judyp@belshire.com  
www.belshire.com





## Richard Driscoll - FW: Cabazon Resource Recovery Park

---

**From:** Larry Moothart <Larry@belshire.com>  
**To:** "'VMurai@dtsc.ca.gov'" <VMurai@dtsc.ca.gov>  
**Date:** 10/27/2010 11:59 AM  
**Subject:** FW: Cabazon Resource Recovery Park

---

Vivian,

This is the kind of response that I struggle with concerning generators choosing Mecca as a hazardous waste disposal facility.

Larry Moothart  
 Belshire Environmental Services, Inc.  
 949-460-5200

---

**From:** Mikiewicz, Elizabeth [mailto:emikiewicz@rivcoeda.org]  
**Sent:** Wednesday, October 27, 2010 11:36 AM  
**To:** Larry Moothart  
**Cc:** Walker, Nicole J.; Steiding, Claudia  
**Subject:** RE: Cabazon Resource Recovery Park

Larry,

The comment from Vivian states that according to what she could research, her comments left it open that there could be other DTSC resources to search for the facility.

Either way, each facility has to have permits and inspections; I'm sure that if the Mecca facility is not permitted to accept certain hazardous materials then they would not be accepting the hazardous materials.

I will trust my vendors when their bids state "Your waste will be handled and transported according to all local, state and federal laws governing our industry.", as this is now an officially signed document.

### RIVERSIDE COUNTY

#### ECONOMIC DEVELOPMENT AGENCY

Elizabeth M. Mikiewicz	Environmental Group
<i>Facilities Project Manager II</i>	3403 10th Street
	Riverside, CA 92501

<a href="mailto:EMikiewicz@rivcoeda.org">EMikiewicz@rivcoeda.org</a>	Phone: 951.955.8461
<a href="http://www.RivCoEDA.org">www.RivCoEDA.org</a>	Fax: 951.955.4890
Mail Stop #1330	Cell: 951.840.8448

---

**From:** Larry Moothart [mailto:Larry@belshire.com]  
**Sent:** Wednesday, October 27, 2010 11:10 AM  
**To:** Mikiewicz, Elizabeth  
**Cc:** Steiding, Claudia; Walker, Nicole J.  
**Subject:** FW: Cabazon Resource Recovery Park

Attached is the comment from the DTSC concerning the Mecca facility.

**From:** Vivian Murai [mailto:VMurai@dtsc.ca.gov]  
**Sent:** Wednesday, July 21, 2010 12:43 PM  
**To:** Larry Moothart  
**Subject:** Re: Cabazon Resource Recovery Park

Hi Larry:

Thanks for your well-put inquiry. I asked about WEI, and based on the search below, I believe we have no record of authorizing them to accept hazardous waste in California.

So you know the extent of the records search, our staff checked the Permitting Envirostor database which contains the permitting and closure facilities, and also the Corrective Action Envirostor database. Nothing came up for Western Environmental with EPA ID CAR000157206. The Permitting Envirostor database contains TSDf (Operating treatment, storage, and disposal facilities), Standardized & Post Closure permits. PBR/Tiered Permitting is not a part of this database. One of our former supervisors for PBR/Tiered Permitting checked the Tiered Permitting database and he did not find anything for this facility either.

If you think of another source of DTSC records that we should check, please let me know and I will try to identify the appropriate person to do that search. I thought you already had checked with our Fees unit, so I did not check with them.

Best,  
 Vivian

Vivian Murai, Senior Staff Counsel  
 Office of Legal Affairs, HQ MS-23A  
 Dept. of Toxic Substances Control  
 Tel: (916) 327-4488  
 Fax: (916) 323-5542

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>>> On 7/16/2010 at 10:57, Larry Moothart <Larry@belshire.com> wrote:  
 Hi Vivian,

I am requesting that the DTSC provide me with confirmation that Western Environmental in Mecca, CA is authorized by the DTSC to accept hazardous waste (for treatment or disposal) from generators located in California. If Western Environmental is not authorized by the DTSC to accept hazardous waste (for treatment or disposal) from generators located in California, please provide a statement to this effect.

Thank you,

**Larry Moothart**  
 Manager  
 Belshire Environmental Services, Inc.  
 25971 Towne Centre Drive  
 Foothill Ranch, CA 92610

949-460-5200  
 949-460-5210 (fax)

[larry@belshire.com](mailto:larry@belshire.com)  
[www.belshire.com](http://www.belshire.com)



\*\*\*As a cost savings measure, county facilities are closed every Friday\*\*\*

**From:** Pamela LePen  
**To:** Roberto Kou  
**Date:** 12/19/2008 5:37 PM  
**Subject:** Western Environmental

Hi Robert,

Have you heard of a facility called Western Environmental Incorporated, 62 150 Gene Welmas Drive, Mecca, CA 92254. ID# CAR000157206. They appear to be a used oil facility but I can't find them in our inspections or permits systems. Maria thought it may be because they are operating on tribal lands. Do you know anything about them?

Thanks.

**From:** Ann Carberry  
**To:** Beverly Rikala; Carmelita Lampino; Michael Choe; Peter Bailey  
**CC:** Richard Driscoll  
**Date:** 5/26/2009 11:52 AM  
**Subject:** Request for Info on Tribal Facility Status: Western Environmental

Hi All,

Sorry to have to ask so many of you at the same time, but I did not know who to ask.

In running fee data I found a facility in Mecca, Riverside County acting as an offsite facility for large amounts of dirt and other solid waste. Per EPA Envirofacts, it is owned by the Cabazon Band of Mission Indians and operated by Western Environmental LLC. It is shown as a recycler.

I could not find it in our Envirostor for permitted TSDF sites. As a tribally owned site, is it exempt from permitting? Does DTSC have jurisdiction or just EPA?

If anyone has had any contact with them or any info, please respond ASAP. Reply to all of us, so we all learn. Thanks, Ann

EPA ID: CAR000157206 Name: WESTERN ENVIRONMENTAL INCORPORATED  
62 150 GENE WELMAS DRIVE MECCA CA 922540000

34,583.64290 (t) so far in 2009

Major categories:

223 UNSPECIFIED OIL-CONTAINING WASTE	574.54755
352 OTHER ORGANIC SOLIDS	561.85700
611 CONTAMINATED SOILS FROM SITE CLEAN-UP	33,023.80500

Total Tons: 34,583.64290

Ann M. Carberry, Sr. HSS  
916-322-1131/fax 916-322-1005

Ann M. Carberry, Sr. HSS  
916-322-1131/fax 916-322-1005

**From:** Larry Moothart <Larry@belshire.com>  
**To:** "VMurai@dtsc.ca.gov" <VMurai@dtsc.ca.gov>  
**CC:** Larry Moothart <Larry@belshire.com>  
**Date:** 8/6/2010 7:51 AM  
**Subject:** Western Environmental

Hi Vivian,

I have contacted Mari Matulis at the BOE concerning Western Environmental collection of land disposal taxes from generators. Maybe you can follow up with her. She is unable to provide me with any information.

Larry Moothart  
Belshire Environmental Services, Inc.  
949-460-5200

---

**From:** Matulis, Mari [mailto:Mari.Matulis@boe.ca.gov]  
**Sent:** Tuesday, August 03, 2010 3:07 PM  
**To:** Larry Moothart  
**Subject:** RE: Western Environmental

The Board can not provide pertinent information on business accounts; however I will relay your question to the Specialist.

Mari Matulis

---

**From:** Larry Moothart [mailto:Larry@belshire.com]  
**Sent:** Tuesday, August 03, 2010 2:30 PM  
**To:** Matulis, Mari  
**Subject:** RE: Western Environmental

Thank you. Are you able to keep me in the loop regarding your findings?

---

**From:** Matulis, Mari [mailto:Mari.Matulis@boe.ca.gov]  
**Sent:** Tuesday, August 03, 2010 2:28 PM  
**To:** Larry Moothart  
**Subject:** RE: Western Environmental

Hi Larry,

It's being reviewed by the Specialist in the unit. If there are any questions, we'll be sure to contact you.  
Thank you.

Mari Matulis

---

**From:** Larry Moothart [mailto:Larry@belshire.com]  
**Sent:** Tuesday, August 03, 2010 2:23 PM  
**To:** Matulis, Mari  
**Subject:** RE: Western Environmental

Hi Mari,

Have you had a chance to research the Western Environmental facility in Mecca?

Larry

---

From: Larry Moothart  
Sent: Monday, July 26, 2010 2:10 PM  
To: 'mari.matulis@boe.ca.gov'  
Cc: Larry Moothart  
Subject: FW: Western Environmental

Hi Mari,

Please contact me with questions or comments. I am interested to determine if Western Environmental has collected disposal fees for any of the 113,000 tons of hazardous waste received at their Mecca landfill.

Thank you,

Larry Moothart  
Manager  
Belshire Environmental Services, Inc.  
25971 Towne Centre Drive  
Foothill Ranch, CA 92610

949-460-5200  
949-460-5210 (fax)

[larry@belshire.com](mailto:larry@belshire.com)<<mailto:larry@belshire.com>>  
[www.belshire.com](http://www.belshire.com)<<http://www.belshire.com>>





**CABAZON BAND OF MISSION INDIANS**

**ENVIRONMENTAL DEPARTMENT**

84-245 Indio Springs Parkway

Indio, CA 92203-3499

(760) 342-2593

**PERMIT TO OPERATE**

**A SOLID WASTE HANDLING AND REMEDIATION FACILITY**

The Cabazon Band of Mission Indians ("CBMI") Environmental Department hereby grants Western Environmental Inc. ("WEI") a Permit to Operate ("PTO") a waste handling facility ("Facility") to carry out remediation of solid, semi-solid and liquid wastes not covered under the Resource Conservation and Recovery Act ("Non-RCRA Waste") at 62-150 Gene Welmas Drive, Mecca, California 92254, on Section 6 of the Cabazon Reservation, in the Cabazon Resource Recovery Park.

This PTO is granted in accordance with Business Lease No. 500543-05-55, Tribal Tract No. 568-T1001, as approved by the US Department of the Interior Bureau of Indian Affairs on July 27, 2005 ("Business Lease").

This PTO imposes the conditions enumerated here within on behalf of CBMI acting as the Lead Agency ("LA"), 84-245 Indio Springs Parkway-Indio, CA. 92203 (760) 342-2593 Fax (760) 347-7880.

**A. General**

**A1. The Facility shall consist of and include:**

Mobile, semi-mobile and stationary equipment, meeting all applicable emission standards, necessary to the storage, handling and processing of contaminated and non-contaminated materials; and

Lined treatment cells.

**A2. The Facility shall accept Non-RCRA Waste at a volume not greater than 41,666 tons per month with a maximum of 500,000 tons per year. Schedule 3 is a plot plan showing the property lines and the locations of stockpiles, quantities, heights of stockpiles, and the type of the material to be stockpiled.**

**A3. The Facility shall not accept deliveries by more than 110 trucks in any one day. No truck deliveries of materials shall be accepted during periods of heavy rainfall at or near the Facility.**

A4. All incoming materials shall be subject to the information requirements, and testing and profiling as specified in the facilities final operations plan ("FOP"). The Facility is authorized to accept Non-RCRA Waste (as defined by the CBMI and California Integrated Waste Management Board) and other solid wastes authorized for treatment as set forth in Schedule 1 at a contaminated materials processing facility, provided such solid waste is deemed to be non-hazardous per CBMI, state<sup>1</sup> and federal regulation and such waste is amenable to thermal desorption or other approved treatment process, within the limits of applicable air regulations for the Facility.

A5. The Facility shall not accept, handle or process:

Materials contaminated with poly-chlorinated bi-phenyls, halogens, dioxins, that are classified as "hazardous waste" as that term is defined in the Resource Conservation and Recovery Act ("RCRA") and as described in 40 CFR and the regulations pertaining thereto; or

Materials contaminated with radioactive wastes.

A6. The use of treatment cells located on the Facility site shall be in accordance with Paragraph 4 of the Business Lease.

A7. The Facility shall be operated in compliance with all terms of the Business Lease.

A8. The Facility shall be operated in compliance with all terms of the FOP prepared by WEI and approved by CBMI. The FOP shall be amended as needed to ensure safe handling and treatment of wastes received under Provision A4.

A9. WEI may make Process Changes without requiring revisions or amendments to this permit as long as the Process Change does not result in exceeding any emission limitation and equipment changes may be performed provided the Process Change does not cause the Facility to become subject to any requirements not covered in this permit or Business Lease. Written notification shall be made to CBMI of each Process Change within 15 days after making the change. Such notification shall include:

- 1) A description of the change;
- 2) The date on which the change occurred;
- 3) Modified operating procedures for the Process Change; and
- 4) Documentation of compliance with all applicable emission limitations.

Any Process Change made pursuant to this permit condition that is later determined to either not qualify as a Process Change or violates any applicable

<sup>1</sup>Any state regulated waste which exceeds the applicable California STLC limit shall be tested via SW8 1311 (TCLP) to ensure that the material received at the Facility is not a hazardous waste per 40 CFR 261.

requirement or permit condition shall be considered a violation of this permit. Process changes approved in writing by the CBMI shall be deemed an amendment to this PTO.

- A10. Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Business Lease.
- A11. This Agreement is effective when all parties have executed it. The term of this Agreement shall run for a period of three (3) years from the effective date.
- A12. WEI agrees to provide a process to minimize fire starts and spread; assess fire risk and hazards; establish a fire response notification process; communicate existing WEI procedures and programs; and establish new guidelines to effectively manage fire suppression. WEI acknowledges the Fire Suppression Plan attached hereto as Schedule 2 is a work in progress and will continue to evolve.
- A13. WEI agrees to provide to CBMI on a monthly basis a mass balance sheet substantially in the form attached hereto as Schedule 4.

#### **B. Dust Control**

- B1. Dust control measures shall be used during transportation, unloading, movement, and handling of inbound and remediated materials to minimize the release of PM-10 into the air, and to prevent the dispersion of visible dust beyond the Facility boundaries.
- B2. The dust control measures shall include the sprinkling or otherwise wetting of the materials as necessary to comply with condition B1 of this PTO. Any material pile at the WEI Facility stored on site and unworked for 10 days or more shall be treated with a chemical stabilizing agent or covered to reduce PM-10 emissions.
- B3. Trucks transporting materials shall be enclosed, or covered with a tarpaulin, plastic sheeting, or equivalent to prevent dust/ PM-10 emissions during transport.
- B4. The baghouse or equivalent supporting the rotary dryer shall be maintained in good operating condition, with any tears, rips, burn-holes, or other material failures repaired within the minimum feasible time. If during Facility operation, or if due to any failure of the bag material or other aspect of the bag house, visible emissions are discharged for a period or periods aggregating more than three minutes in any one-hour which are:

as dark or darker in shade as that designated No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described as in the above subparagraph;

then the Facility shall cease operation of the rotary dryer until such time as the Facility operation is adjusted and/or the baghouse or bags are repaired, and the visible emissions cease.

- B5. The Facility shall employ such other dust control measures as necessary to comply with condition B1 of this PTO. These other measures may include, but are not limited to, erection of wind-blocking barriers, spraying of deliquescent material on the surface of the materials, and/or cessation of operations during windy conditions.

### C. Specific Conditions

- C1. The emissions of lead compounds as elemental lead from thermal treatment shall not exceed 0.4 pounds per day per unit. In addition, total metals concentrations for lead and other regulated metals shall not exceed the applicable Total Threshold Limit Concentration and Soluble Threshold Limit Concentration characterization under California State regulations as outlined in Title 26 of the California Code of Regulations.
- C2. Adequate dust control shall be used during grubbing, soil farming, and transportation activities to control the production and release of PM-10 into the atmosphere.
- C3. Within the composting cells water sprays and or irrigation shall be used to provide supplemental moisture whenever the moisture content of the contaminated materials is less than 4%.
- C4. A Low Temperature Thermal Desorption unit ("LTTD") or any other thermal processing unit shall either be permitted by South Coast Air Quality Management District ("SCAQMD") or meet the functional equivalent of SCAQMD standards for operation maintenance and pollution control. CBMI shall be furnished with a written evidence of compliance within 15 days following the commencement of the operation of the equipment. Allowable fuels for thermal processing equipment shall be natural gas, propane and other fuels (gaseous/liquid/solid) as may be combusted in compliance with applicable air permit limits. A change of fuel shall be considered a Process Change per A9 of this PTO.
- C5. Records shall be adequately maintained to prove compliance with all of the above conditions as well as those identified in the FOP for the Facility. All records shall

be maintained for at least 3 years and made available to CBMI upon request.

- C6. No emission, process or material shall cause injury, detriment, nuisance, annoyance or endanger the comfort, repose, health or safety of any persons (employees or persons in the Mecca Community) or have a natural tendency to cause injury or damage to business or property.
- C7. All materials to be processed shall be certified and manifested by the generator as Non-RCRA Waste/non hazardous and meet the profile requirements set forth in the FOP.
- C8. Prior to profiling and acceptance at the Facility the CBMI shall approve any media and/or contaminant other than those approved for processing in the facilities FOP by generation of a written variance.
- C9. Incoming materials shall be adequately profiled to prevent acceptance of RCRA hazardous wastes or those materials outside the permit limits.
- C10. The Facility will be regularly inspected to verify that the construction and the equipment has been installed and tested in accordance with the approved plans, specifications and conditions herein to ensure that the equipment and the Facility can and is being operated under the provisions of this permit, the Business Lease agreement and FOP. If the Facility is found to be out of compliance with any of the above provisions, the CBMI shall issue a correction notice requiring correction within 15 days. Should compliance with the correction notice not be cured within 15 days a stop notice to suspend all operations in 30 days will be served. Once operations have been stopped, the CBMI shall require full re-inspection and written approval for permit to operate status prior to commencement of operations. In the event that any hazardous materials not otherwise profiled and accepted per the conditions of the FOP or prior approval by CBMI for the Facility are found on site, the operations permit shall be immediately revoked pending all necessary surveys and clean up to restore the Facility to within permit guidelines.
- C11. Nothing contained in this document shall be construed as a waiver or limitation of the sovereign immunity of the CBMI.
- C12. Nothing contained herein shall be construed as a waiver of immunity or trust of restricted property from mechanics' or material-men's liens nor obligate the US Secretary of the Interior or CBMI to post non-responsibility notices while the demised land are in a trust or restricted status.

- C13. No approval or opinion concerning safety and other factors on design, construction or operation of the equipment is expressed or implied by CBMI. The permit holder and operator is responsible for compiling with all laws, ordinances and regulations of any other governmental agencies which may pertain to the above Facility including those enforced by the CBMI as the LA.
- C14. Non-hazardous biosolids, the dewatered residual of wastewater treatment, may be added to thermally treated material as it exits the LTDD, loaded directly into a rotary kiln or composted as soil amendment. Confirmation samples will be taken to verify that all Federal requirements are met.

Approved by CBMI  
Business Committee

By: David K. Brown

Date: September 17, 2009

Accepted and Approved by  
Western Environmental Inc.

By: [Signature]

Date: 9-22-09

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Approved by CBMI  
Business Committee

By: David K. Brown

Date: September 17, 2009

Accepted and Approved by

Western Environmental Inc.

By: [Signature]

Date: 9-22-09

**Schedule 1****Non-RCRA Waste and Solid Wastes Authorized for Treatment****Carbon Based Impacted Solids/Liquids**

Petroleum Impacted  
 Volatile organic compounds  
 Bio-solids/sewer sludge  
 Drilling mud  
 Non-Haz and non-RCRA liquid  
 Soaps/surfactants  
 Filter cake  
 Micro-organisms  
 Coal, coal fines, tars, coal tar residues  
 Vegetable/animal oils  
 Food waste  
 Spent carbon  
 Used motor oils  
 Cosmetic waste  
 Oil filter media  
 Tank bottom sludge  
 Fertilizer

**Metal Based Impacted Solids/Liquids**

Non-Haz and non-RCRA impacted  
 Chemical Based Impacted Solids/Liquids  
 Non-RCRA pesticide impacted  
 Fertilizer  
 Non-RCRA PCB Impacted  
 Spent resins  
 Cement  
 Ash  
 Grout  
 Non-Haz non-RCRA impacted

**Schedule 1****Non-RCRA Waste and Solid Wastes Authorized for Treatment****Carbon Based Impacted Solids/Liquids**

Petroleum impacted  
 Volatile organic compounds  
 Bio-solids/sewer sludge  
 Drilling mud  
 Non-Haz and non-RCRA liquid  
 Soaps/surfactants  
 Filter cake  
 Micro-organisms  
 Coal, coal fines, tars, coal tar residues  
 Vegetable/animal oils  
 Food waste  
 Spent carbon  
 Used motor oils  
 Cosmetic waste  
 Oil filter media  
 Tank bottom sludge  
 Fertilizer

**Metal Based Impacted Solids/Liquids**

Non-Haz and non-RCRA impacted  
 Chemical Based Impacted Solids/Liquids  
 Non-RCRA pesticide impacted  
 Fertilizer  
 Non-RCRA PCBs impacted  
 Spent resins  
 Cement  
 Ash  
 Grout  
 Non-Haz non-RCRA impacted



April 19, 2011

Customers of Western Environmental, Inc., Mecca Facility

RE: Waste Shipments to Western Environmental, Inc. – Mecca Facility

Dear Customers

This notice responds to recent inquiries we have received pertaining to the California Department of Toxic Substances Control's ("DTSC") authority over Western Environmental, Inc.'s ("WEI") soil processing Mecca Facility in the Cabazon Resource Recovery Park, located on tribal land of the Cabazon Band of Mission Indians in Riverside County California. (See <http://wei-mecca.com/cabazon.php> and information from the State of California at: <http://www.calrecycle.ca.gov/LGCentral/Library/Innovations/recoverypark/CaseStudies2.htm> )

The purpose of this notice is to inform you that:

- 1. Non-hazardous waste can legally be shipped to the Mecca facility because the DTSC does not regulate non-hazardous waste; and***
- 2. WEI and the Cabazon Band of Mission Indians ("Cabazon Tribe") believe that the DTSC does not have jurisdiction over WEI's processing of non-RCRA waste because the Mecca Facility is located on tribal land and is covered by a permit to operate granted by the Cabazon Tribe. The right of the Cabazon Band to pursue business activities on their property free from regulation by the State of California was confirmed in the United States Supreme Court's landmark decision in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987)***

The DTSC regulates the generation, handling, treatment and disposal of "hazardous waste" in California, as defined in section 25117 of the Health & Safety Code. Any material classified as non-hazardous waste under California law is not included within scope of its jurisdiction, regardless of where the non-hazardous waste may be shipped.. The DTSC agrees that it does not regulate material which is "non-hazardous" under California law. In other words, non-hazardous waste that is shipped to our facility located on tribal lands is not regulated by the DTSC and our customers can continue to ship non-hazardous waste to WEI's Mecca Facility without objection from DTSC.

With respect to non-RCRA hazardous waste, WEI and the Cabazon Tribe believe that the DTSC does not have authority to regulate such waste because the Mecca facility is located within the Cabazon tribal lands and is covered a regulatory process established by the Cabazon Band and by a permit to operate granted by the Cabazon Tribe. A permit from the DTSC is not



legally required nor must the Cabazon Tribe enter into an "voluntary" agreement with the Secretary of Cal. EPA authorizing the tribe to issue a hazardous waste permit. California law provides for voluntary agreements that may be entered into by Indian tribes and DTSC for regulatory matters, but the Cabazon Band has chosen not to enter into such an agreement based on its position on tribal sovereignty. Although the DTSC currently disagrees with this position, WEI and the Cabazon Band are working to resolve this disagreement. We are represented by Latham \* Watkins LLP in this matter.

Should you have any questions about this letter, please do not hesitate to contact Western Environmental at (760) 396-0222.



Linda S. Adams  
Secretary for  
Environmental Protection

## Department of Toxic Substances Control

Maziar Movassaghi, Acting Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

### EPA ID PROFILE

ID Number: CAR000157206 Name: WESTERN ENVIRONMENTAL LLC  
Status: ACTIVE Inactive Date: Record Entered: 12/30/2004 Last Updated: 04/05/2010  
County: RIVERSIDE NAICS: 562219 SIC: 4953

	Name	Address	City	State	Zip Code	Phone
Location	WESTERN ENVIRONMENTAL LLC	62 150 GENE WELMAS	MECCA	CA	92203	
Mailing		PO BOX 248	MECCA	CA	922540000	
Owner	WRT INDIO LLC	62 250 GENE WELMAS	MECCA	CA	92203	7603960222
Operator/ Contact	MATTHEW MULLEN	37281 BRADFORD DR	INDIO	CA	92203	7604576596

Based ONLY upon ID Number CAR000157206

Calif. Manifests ?	Non Calif. Manifests ?	Transporter Registration ?
YES	NO	NO

California and Non California Manifest Tonnage Total and Waste Code by Year Matrix by Entity Type (if available)  
are on the next page

The Department of Toxics Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.

Report Generation Date: 09/15/2010

### Calif. Manifest Counts and Total Tonnage

Top line represents Manifest Count and Bottom line represents Total Tonnage

	GENERATOR	TRANS. 1	TRANS. 2	TSDF	ALT. TSDF
2003				1 23.0000	
2004				1 15.1704	
2005	1 0.3000			471 8,513.1004	1 15.1704
2006				1092 22,655.2528	
2007				149 2,946.2896	
2008				1071 15,507.0098	7 24.5936
2009	1 3.4403		1 0.5000	6296 113,013.6854	1 21.0000
2010	3 61.8500	1 21.2400		863 9,480.1826	

### Non California Manifest Total Tonnage

### Waste Code By Year By Entity Matrix Report (based on California Manifests only)

Calif.	<u>Generator</u>	<u>Transporter 1</u>	<u>Transporter 2</u>	<u>TSDF</u>	<u>Alt. TSDF</u>
RCRA	<u>Generator</u>	<u>Transporter 1</u>	<u>Transporter 2</u>	<u>TSDF</u>	<u>Alt. TSDF</u>

**From:** Jim Marxen  
**To:** Sue Laney  
**Date:** 4/15/2011 4:20 PM  
**Subject:** Re: South Coast

Hmm, talked to her about it...the one we just dealt with...she hadn't heard of it, maybe there were several and she couldn't remember. [REDACTED]

>>> Sue Laney 4/15/2011 4:01 PM >>>

OK, thanks. Also, FYI, I found out that the first request for the manifest data that Lucy generated was coordinated with Jennifer Connor as a Public Records Act request. Probably would be a good idea for OEA to touch bases with Jennifer? Thanks, /Sue

>>> On 4/15/2011 at 3:22 PM, in message <4DA862AC.87F0.0088.0@dtsc.ca.gov>, Jim Marxen wrote:  
Talked to my counterpart at AQMD... they don't anticipate any actions from their end that would appear in the news before April 20th. Still waiting to hear back from EPA.

Permitting Standards.txt

From: Ramon Perez [RPerez@dtsc.ca.gov]  
Sent: Monday, August 23, 2004 10:20 AM  
To: Banderson@cabazonindians-nsn.gov  
Cc: Doduc, Tam  
Subject: Permitting Standards

Attachments: 66264.xls

Bill: The attachment contains the regulations related to permitted facilities in California. Please take a look so we can discuss. Also, please take a look at the permit writer's manual at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).  
Look in Publications.

This communication, including any attachments, is confidential and privileged and is for the sole use of the intended recipients. Any unauthorized review, use, disclosure or distribution is prohibited.

Ramon B. Perez  
Senior Staff Counsel  
Department of Toxic Substances Control/CAL EPA  
9174 Sky Park Court, Suite 150  
San Diego, California 92123  
(858) 637-5548  
Fax: (858) 637-5550  
RPerez@dtsc.ca.gov

California Permitting Standards for Facilities that Treat or store Hazardous Waste.

22 CCR

Refers to

Title 22,

California

Code of

Regulation Section

s.

Number

Title of the Regulation

Required Standards.

22 CCR

66264.13

General Waste Analysis

Waste analysis must be performed prior to treatment, storage, or disposal. (See rule for details.)

22 CCR

66264.14

Security

Requirements for security of the facility including fences, surveillance, signs, etc.

22 CCR

66264.15

General Inspection Requirements

Requirements for facility inspections for the purpose of preventative maintenance

22 CCR

66264.16

Personnel Training

Requirements for operator training

22 CCR

66264.17

General Requirements for Ignitable, Reactive, or Incompatible Wastes

Requirements for prevention of accidental reaction or ignition of wastes

22 CCR

66264.18

Location Standards

Location requirements for facilities including floodplains and seismic areas. Also prohibits bulk storage of hazardous waste in underground formations.

22 CCR

66264.25

Seismic and Precipitation Design Standards

Design requirements for facilities for maximum probable 24 hour precipitation and maximum credible earthquake

22 CCR

66264.31

Design and Operation of Facility

Requirements for facility design and operation to minimize possibility of fire, explosion, or unplanned release of hazardous waste

22 CCR

66264.32

Required Equipment

Facilities must have telephone or radio, fire control, and water for water spray systems, or demonstrate that such equipment is not necessary.

22 CCR

66264.33

Testing and Maintenance of Equipment

Facility communication or alarm systems, fire protection equipment, spill control, and decontamination equipment must be tested and maintained to ensure proper operation in an emergency.

22 CCR

66264.34

Access to Communications or Alarm System

Requirements for access to communication or alarm systems for personnel handling hazardous waste and/or working alone at the facility

22 CCR

66264.35

Required Aisle Space

Aisle space must be enough to allow access for personnel and emergency equipment.

22 CCR	66264.37	Arrangements with Local Authorities	Requirements for facilities to familiarize local authorities (fire, police, EMS, OES) with the facility layout and operation
22 CCR	66264.51	Purpose and Implementation of Contingency Plan	Hazardous waste facilities must have a contingency plan designed to minimize hazards from fires, explosions, or unplanned releases of hazardous waste.
22 CCR	66264.52	Content of Contingency Plan	Requirements for the contents of contingency plans in the event of a hazardous waste spill
22 CCR	66264.53	Copies of Contingency Plan	Requirements for contingency plan distribution
22 CCR	66264.54	Amendment of Contingency Plan	Requirements for amendment of contingency plans
22 CCR	66264.55	Emergency Coordinator	Requirements for an emergency coordination
22 CCR	66264.56	Emergency Procedures	Requirements for an emergency coordination and specifies steps to be taken in the event of an emergency.
22 CCR	66264.71	Use of Manifest System	Administrative requirements for manifests
22 CCR	66264.72	Manifest Discrepancies	Reporting requirements for manifest discrepancies
22 CCR	66264.73	Operating Record	Recordkeeping requirements for facility operation including quantities and descriptions of hazardous wastes received, incident reports, inspection reports, monitoring records, and other parameters
22 CCR	66264.74	Availability, Retention, and Disposition of Records	Record retention requirements
22 CCR	66264.75	Annual Report	Annual report requirements for hazardous waste facilities
22 CCR	66264.91	Required Programs	Establishes required monitoring programs for several operating scenarios. Required programs are contained in separate sections and included in this section by reference.
22 CCR	66264.97	General Water Quality Monitoring and System Requirements	Establishes general groundwater monitoring requirements for permitted hazardous waste facilities
22 CCR	66264.98	Detection Monitoring Program	Requirements for detection monitoring program
22 CCR	66264.99	Evaluation Monitoring Program	Requirements for evaluation monitoring program - required if there is significant evidence of a release from the regulated unit.

22 CCR	66264.100	Corrective Action Program	Requirements for corrective action program for hazardous waste releases from regulated units - remediation, monitoring, reporting, etc.
22 CCR	66264.111	Closure Performance Standard	General closure requirements for a hazardous waste facility - closure should minimize the need for maintenance of the facility, and control, minimize or eliminate the emission of hazardous chemicals into the environment.
22 CCR	66264.112	Closure Plan; Amendment of Plan	Requirements for closure plan and amendments of plan. Closure plan must identify steps for closure, schedule for closure, onsite inventory of hazardous waste, and detailed descriptions of all activities to occur.
22 CCR	66264.114	Disposal or Decontamination of Equipment, Structures and Soils	During partial and final closure, all contaminated equipment, structures and soils must be properly disposed or decontaminated.
22 CCR	66264.117	Post-Closure Care and Use of Property	Post closure monitoring and maintenance requirements for closure which leaves contaminated materials on-site. Post closure land uses cannot disturb containment systems or monitoring equipment.
22 CCR	66264.118	Post-Closure Plan; Amendment of Plan	Establishes closure standards for a permitted hazardous waste facility. Specifically, closure should minimize the need for maintenance of the facility, and control, minimize or eliminate the emission of hazardous chemicals into the environment.
22 CCR	66264.171	Use and Management of Containers	Leaky container standard - if a container holding hazardous waste is not in good condition or begins to leak, the owner/operator must transfer the contents to a good container or manage the waste in a compliant manner.
22 CCR	66264.172	Compatibility of Waste with Containers	Owner/operator must use a container made of or lined with materials that will not react with the hazardous waste it stores.
22 CCR	66264.173	Management of Containers	Containers used to transport material must be closed during transport. Waste must be handled to minimize damage to containers.



22 CCR	66264.174	Inspections	Owner/operator must inspect hazardous waste containers weekly for leaking or deterioration.
22 CCR	66264.175	Containment	Containment requirements for hazardous waste containers - system designed to contain leaks and stormwater. Collected material may have to be managed as hazardous waste
22 CCR	66264.176	Special Requirements for Ignitable or Reactive Waste	Containers holding ignitable or reactive waste must be located at least 50 feet from the property line.
22 CCR	66264.177	Special Requirements for Incompatible Wastes	Incompatible wastes cannot be stored in same container. Hazardous waste cannot be stored in an unwashed container that previously held an incompatible waste.
22 CCR	66264.178	Closure	Closure requirements for containers - all hazardous waste and residues must be removed and remaining containers, liners, bases, soil, etc. must be decontaminated or removed.
22 CCR	66264.191	Assessment of Existing Tank System's Integrity	Requires owner/operator to assess and certify the structural integrity of tank systems existing prior to 1986
22 CCR	66264.192	Design and Installation of New Tank Systems or Components	Requirements for design and construction of new tank systems
22 CCR	66264.193	Containment and Detection of Releases	Tank systems must have secondary containment and leak detection equipment
22 CCR	66264.194	General Operating Requirements	General operating requirements for tank systems including spill/overflow prevention and not storing materials that could deteriorate the tank
22 CCR	66264.195	Inspections	Inspection requirements for tank systems - daily inspection of aboveground components, bimonthly inspection of cathodic protection, etc.
22 CCR	66264.196	Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank	Requirements for response to leaks from tank systems - immediate removal from service, cleanup of release, prevention of further release, notification and reports to DTSC. (See Rule for details.)

22 CCR	66264.197	Closure and Post-Closure Care	Closure requirements for tanks - all hazardous waste and residues must be removed and remaining containers, liners, bases, soil, etc. must be decontaminated or removed. Closure activities must meet requirements in Article 7 and 8 of this chapter.
22 CCR	66264.198	Special Requirements for Ignitable or Reactive Wastes	Ignitable or reactive waste cannot be placed in tank systems unless potential for ignition or reaction is eliminated or it is an emergency.
22 CCR	66264.199	Special Requirements for Incompatible Wastes	Incompatible wastes cannot be stored in same tank system. Hazardous waste cannot be stored in an unwashed tank system that previously held an incompatible waste.
22 CCR	66264.801, Appendixes I, V, and IX	Corrective Action Program	Establishes Corrective Action Program requirements for permitted treatment, storage or disposal facilities.
22 CCR	66270.1	Permit Application Requirements	Establishes Requirements for permit applications
22 CCR	66270.11	Signatories to Permit Applications and Reports.	Standards for signing of permit applications and required reports.
22 CCR	66270.12	Confidentiality of Information.	Information submitted as part of a permit application may be claimed as confidential.
22 CCR	66270.13	Contents of the Part A of the Permit Application.	Establishes the required information in the Part A permit application.
22 CCR	66270.14	Contents of the Part B of the Permit Application.	Establishes the required information in the Part B permit application.
22 CCR	66270.15	Specific Part B Information Requirements for Containers.	Establishes required information for owners or operators of facilities that transfer or store containers of hazardous waste.
22 CCR	66270.16	Specific Part B Information Requirements for Tank Systems.	Establishes required information for owners or operators of facilities that use tanks to transfer, store or treat hazardous waste.